

ALABAMA ATTORNEY GENERAL



2011

LUTHER
STRANGE

ATTORNEY
GENERAL

YEAR IN REVIEW

a message from

Attorney General Luther Strange

When I became your Attorney General on January 17, 2011, I was faced with an unprecedented number of major legal issues ranging from the Deepwater Horizon oil spill case, illegal gambling, a new immigration law, and the legal challenge to the federal health care individual mandate. As I look back over the past year, I am very proud of the accomplishments and achievements that have occurred as the result of the dedicated and hard-working team of public servants in The Alabama Attorney General's Office.

The year 2011 was my first year as your Attorney General and my first year in an elected office. Since day one, my goal has been to strengthen the office with talented attorneys and support staff. The Office's outstanding legal and professional staff has accomplished so much in this first year on your behalf.

As Attorney General, my primary duty is to prosecute violations of Alabama's criminal statutes and to serve as legal counsel to Alabama's state agencies, state departments, and state officers. I am keenly aware that our legal actions have far-reaching effects into the economy and business climate of our state. My office is working with 25 other states in the challenge to the federal health care mandate. We additionally joined legal actions to push back against the Environmental Protection Agency and the National Labor Relations Board in their attempts to implement onerous regulations that will have a negative impact on Alabama industry and businesses.

Much of my time as Attorney General has been spent on vigorously pursuing the responsible parties in the Deepwater Horizon oil spill case. As the Coordinating Counsel for the states, I personally deposed BP executives, negotiated with the defendants and other plaintiffs, and have continuously fought for the interests of the State of Alabama. We are using every available resource of the Office of Attorney General to see that the people of Alabama are made whole again.

I believe that we have been successful in enforcing the rule of law, being a good steward of the people's time and money, and promoting a professional legal environment. For that reason, I am pleased to provide you with the 2011 Year in Review report of your law firm, the Office of the Attorney General. To conserve resources in these tight budget times, we have produced the report in electronic format this year.

Sincerely,

A handwritten signature in black ink that reads "Luther Strange". The signature is written in a cursive, flowing style.

Luther Strange



Office of the Attorney General

Attorney General

The Attorney General is a constitutional officer whose duties and powers are prescribed in Title 36, Chapter 15, of the Code of Alabama (1975). As the State's attorney, he provides legal representation for the State of Alabama, its officers, departments, and agencies. The Attorney General defends the State in all lawsuits in which the State is named as a defendant. He represents the State in all court proceedings wherein the constitutionality of a state statute is challenged.

In addition to defending the State, the Attorney General may initiate court action, both civil and criminal, to protect the State's interests or to enforce state law. The Attorney General represents the State in all criminal actions in the appellate courts of the State of Alabama and in habeas corpus proceedings in the federal courts. He has the authority to superintend and direct the prosecution of any state criminal case.

The Attorney General issues legal advice through formal or informal written opinions to authorized public officials and agencies.

Office Organization

The Alabama Attorney General's Office is the most diverse law firm in the state. As seen from the descriptions throughout this publication, attorneys in the office handle a wide range of legal issues, both in the trial courts and at the appellate level, as well as other types of legal work for the State. The graph below depicts the office personnel structure. The attorneys in all divisions are assisted by support staff, para-professionals, and investigators.

The Attorney General is supported by and provides direction to over 179 assistant and deputy attorneys general in other departments and agencies of State government.

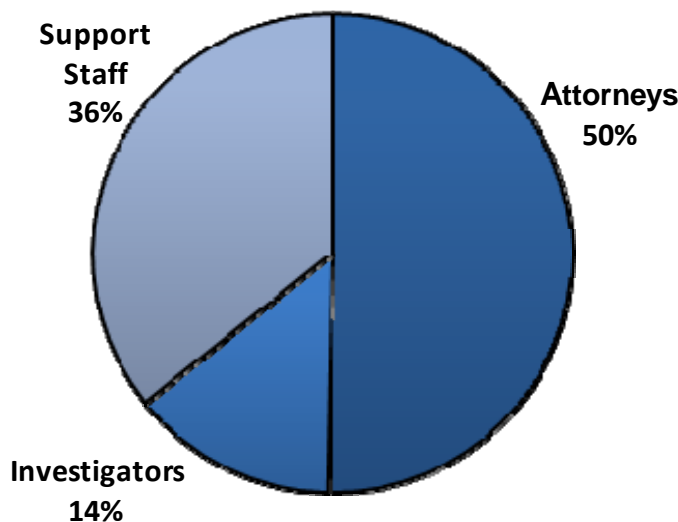


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Attorney Listing

ATTORNEY GENERAL

Luther J. Strange

CHIEF DEPUTY ATTORNEY GENERAL

Kevin L. Turner

SOLICITOR GENERAL

John C. Neiman, Jr.

EXECUTIVE

Andrew L. Brasher
Rosa H. Davis
Michael E. DeBow
Prim F. Escalona
Corey L. Maze
Julia J. Weller

CAPITAL LITIGATION

Richard D. Anderson
Kevin W. Blackburn
Clay Crenshaw*
Thomas R. Govan, Jr.
Tina Coker Hammonds
Jon B. Hayden
Beth J. Hughes
Henry M. Johnson
Jess R. Nix
Stephanie E. Reiland

CONSTITUTIONAL DEFENSE

James W. Davis
Misty S. Fairbanks
Margaret L. Fleming*
William G. Parker, Jr.
Joshua K. Payne
Winfield J. Sinclair

CONSUMER PROTECTION

Noel S. Barnes*
Kyle A. Beckman

CRIMINAL APPEALS

P. David Bjurberg*
Cecil G. Brendle
Jean-Paul M. Chappell
Laura Irby Cuthbert
Tracy M. Daniel
John J. Davis
Michael G. Dean
William D. Dill
Stephen N. Dodd
Audrey Jordan
J. Thomas Leverette
Madeline Hinson Lewis
William D. Little
Michael A. Nunnelley
Beth Slate Poe
Andy S. Poole

John M. Porter
James B. Prude
Yvonne H. Saxon
Robin Blevins Scales
Marc A. Starrett
Ferris W. Stephens
Jean A. Therkelsen
Kristi O. Wilkerson
Jack W. Willis

GENERAL CIVIL AND ADMINISTRATIVE LAW

Benjamin H. Albritton
J. Matt Bledsoe
Bettie J. Carmack
Billington M. Garrett*
Mary A. Goldthwaite
Todd E. Hughes
Ellen R. Leonard
Jeffery H. Long
Olivia W. Martin
James M. Steinwinder
Robert D. Tambling
Elizabeth E. Utley
Jack W. Wallace, Jr.

MEDICAID FRAUD CONTROL UNIT

Bruce M. Lieberman*

OPINIONS

Ward Beeson
Monet M. Gaines
Brenda F. Smith*

PUBLIC CORRUPTION AND WHITE COLLAR CRIME

Stephanie C. Billingslea
Michael B. Duffy
John D. Gibbs*
M. Matt Hart
William A. Lisenby, Jr.
Peter J. Smyczek

PUBLIC HOTLINE

Monica S. Sheeler*

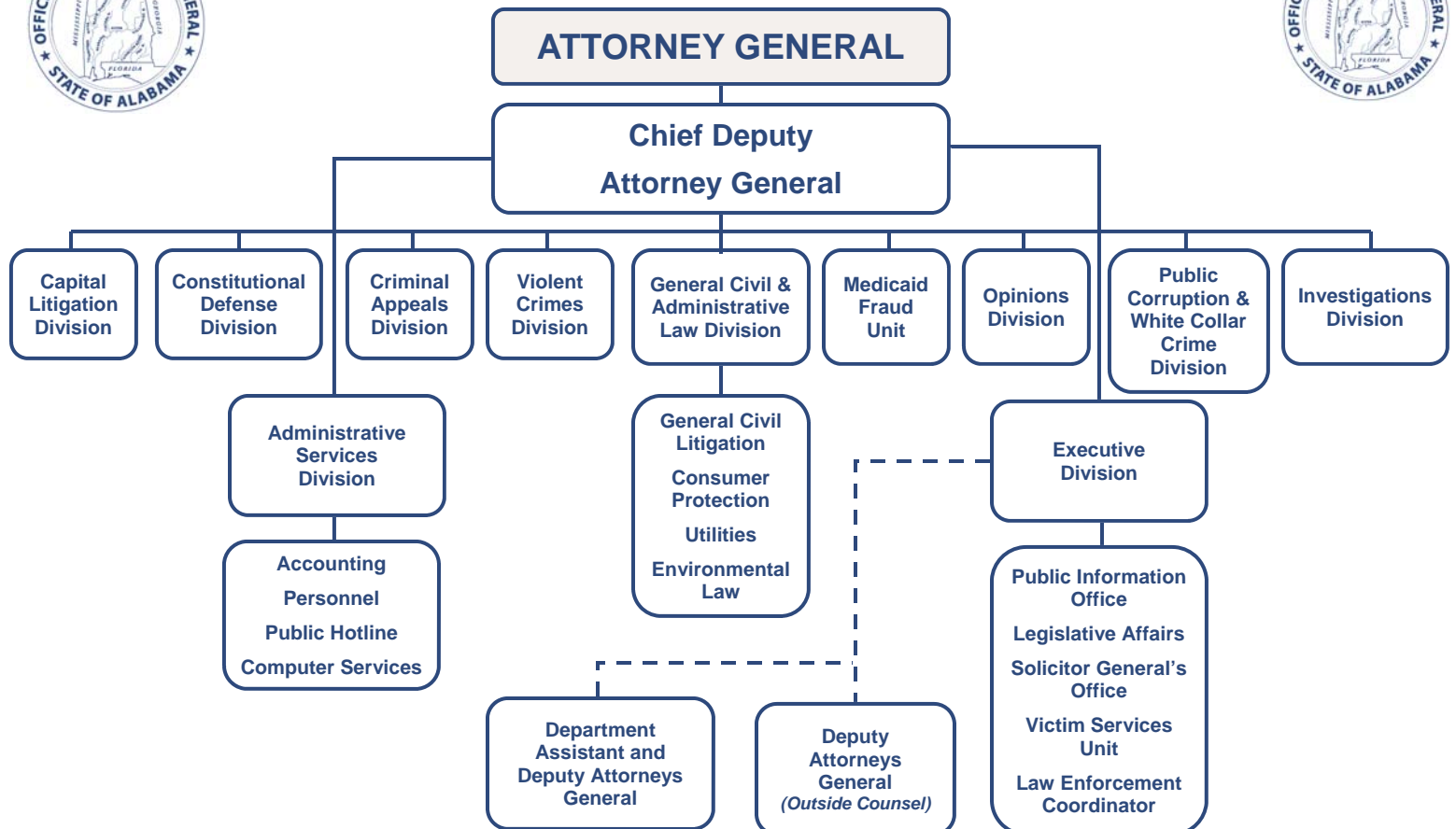
VIOLENT CRIMES

Andrew D. Arrington
Ben M. Baxley
Kelly B. Hawkins
John C. Hensley
Henry T. (Sonny) Reagan
James H. Rutter, III
Donald G. Valeska*

*Division/Section Chief
Listing as of publication date



STATE OF ALABAMA - OFFICE OF THE ATTORNEY GENERAL



Legal Division Descriptions

Capital Litigation

This division represents the State in all appeals in state and federal court in which a criminal defendant has received a death sentence, including the direct appeal, state post-conviction proceedings, federal habeas corpus proceedings, and execution proceedings. In addition, attorneys in this division are required to advise judges, other prosecutors, and the public on death penalty law and procedure.

Constitutional Defense

This division defends the State in institutional litigation, in civil matters in which there is a question of constitutional law, and in civil rights, voting rights, and employment discrimination cases.

Criminal Appeals

This is the largest division and represents the State in all appeals in state and federal courts for all non-capital criminal matters.

General Civil & Administrative Law

This division represents the State in civil actions in all courts and before administrative boards as both a defender and initiator of civil actions. The range of civil matters handled by this division includes prisoner litigation, representation in administrative hearings, and contracts and related commercial transactions. The Civil Division also encompasses the Utilities Section, which represents the public in all matters affecting utility services before the Alabama Public Service Commission, and the Consumer Protection Section, which responds to complaints from the public regarding consumer transactions. Armed with Alabama's Deceptive Trade Practices Act, the Consumer Protection attorneys may seek civil and criminal penalties. Also the Environmental Section investigates complaints involving pollution, illegal hazardous waste, and other dangerous environmental concerns, and lawyers file either a civil complaint or prosecute criminally. .

Medicaid Fraud

The Medicaid Fraud Control Unit is responsible for the investigation and prosecution of allegations of fraud and abuse by healthcare providers against the Alabama Medicaid Agency. The unit is also responsible for investigating and prosecuting allegations of abuse and neglect of residents in Medicaid-funded facilities.

Opinions

Upon written request, the Attorney General furnishes written opinions on questions of law to state departments, agencies, boards and commissions, members of the Legislature, and thousands of other local public officials and political subdivisions.

Public Corruption/White Collar Crime

Created by former Attorney General Bill Pryor, this unit is comprised of prosecutors specially trained in the prosecution of public corruption, election fraud, bid-rigging, complex economic crimes, and ethics code violations.

Violent Crimes

These prosecutors represent the State in the investigation and prosecution of violent crimes, particularly murder and rape, throughout Alabama. This division often handles cases where the local district attorney may have a conflict or that may require more resources than the district attorney has available.

Year in Review - Highlights

JANUARY

Jan 27 - A Gardendale woman was convicted for schemes involving forgeries and theft of approximately \$200,000 in checks and cash from her former employers, Baptist Health Systems and Alabama Lock and Key, both in Jefferson County. Deborah Thompson pleaded guilty in Jefferson County Circuit Court to one count of first-degree theft, one count of second-degree theft, and two counts of second-degree possession of forged instruments. In March, Thompson was sentenced to 10 years on each of the four counts, to serve three years in jail, followed by five years of probation. In addition, she was ordered to pay \$150,000 restitution to Baptist Health, \$2,389 restitution to the Alabama Association of Healthcare Access Managers and \$839.20 restitution to the Attorney General's Office. She was to pay \$100 per month after she is released from jail. Thompson was taken directly to jail.

Jan 27 - Judge Barbier of the United States District Court for the Eastern District of Louisiana appointed Alabama Attorney General Luther Strange as Coordinating Counsel for the state interests in the Deepwater Horizon oil spill litigation. Attorney General Strange's duties include scheduling meetings, appearing at court-noticed conferences, acting on behalf of the states that are a party to the Multi-District Litigation, coordinating discovery with the Plaintiff Steering Committee and Defense Steering Committee, and carrying out other duties assigned by the court.

FEBRUARY

Feb 3 - Attorney General Luther Strange announced the conviction

of a Madison man who used a forged document said to be from the Attorney General's Office in an attempt to hide his criminal record from a prospective employer. Neal Mathias Reisel, 28, pleaded guilty February 2, 2011, in Madison County Circuit Court to second-degree possession of a forged instrument. He was sentenced October 26, 2011 in Madison County Circuit Court to 10 years imprisonment for second-degree possession of a forged instrument, as well as five years for third degree burglary, with both sentences ordered to run concurrently.

Feb 7 - On February 7, 2011, a Montgomery man admitted that he killed and hid the body of his wife who was missing several years before being declared dead. Albert Leonard Wilding, 82, was set to begin trial on February 7, 2011 for the murder of his wife, but instead pleaded guilty to manslaughter. He was sentenced to 20 years, which was split for him to serve five years imprisonment followed by five years of supervised probation.

Feb 11 - Attorney General Luther Strange announced a significant cold case victory with the conviction of a man for the home invasion and violent sexual attack of a 38-year-old Gadsden woman around 2 a.m. on February 9, 1996. Jeffery Mack, 43, of Gadsden, pleaded guilty on February 11, 2011, to first-degree rape, first-degree sodomy, and first-degree burglary. He received sentences of life imprisonment, to run concurrently, for each of the three class A felonies. Mack also pleaded guilty to second-degree burglary and third-degree robbery in the home invasion of an elderly woman in 2010 in a case that was

prosecuted by the Etowah County District Attorney's Office. Information leading to this prosecution arose from the Attorney General's investigation of the 1996 crime.

"I am honored to serve as coordinating counsel for the states in the MDL," said Strange. "I pledge to work tirelessly with my fellow Attorneys General to ensure that the interests of Alabama and the other Gulf states affected by the oil spill are represented in the litigation. The states have claims that are distinct from those asserted by individuals and businesses, and I appreciate Judge Barbier recognizing that distinction and giving the states a seat at the table."

Luther Strange

In response to being named Coordinating Counsel for the State Interests in the Deepwater Horizon oil spill litigation

Feb 17 - Another significant cold case victory was achieved with the conviction on February 17, 2011, of a man for crimes involved in the home invasion and violent sexual attack of a seven year-old Anniston girl around 3 a.m. on October 22, 1994. Kenneth Jackson, 47, of Springville, plead guilty on February 17, 2011, to first-degree burglary with injury and was subsequently sentenced to life imprisonment.

Feb 25 - A former chief financial officer for the Ozark City Board of Education was convicted of two felony counts involving public

Year in Review - Highlights - Continued

funds. Monica Baker Foote, 53, of Ozark, pleaded guilty on February 22, 2011, in the Dale County Circuit Court. Foote pleaded guilty to one count of intentionally using her official position for unlawful personal gain of money or checks and one count of first-degree theft of property from the Ozark City School Board in money or checks valued at more than \$2,500. On May 12, 2011, she was sentenced to 10 years on each count (two counts) split to serve 24 months in the Community Corrections Program. Foote was ordered to pay restitution in the amount of \$102,170.36 to Ozark City Board of Education.

MARCH

March 8 - Attorney General Luther Strange announced the conviction and sentencing on March 8, 2011, of the former manager of a Troy medical supply business for the theft of more than \$600,000 from the Alabama Medicaid Agency. Joan Elizabeth Corbitt Johnson, 38, a Shelby County resident, pleaded guilty before Montgomery County Circuit Judge Johnny Hardwick to one count of first-degree theft of property and two counts of Medicaid fraud. Immediately upon her conviction, Johnson was sentenced and taken into custody. She was sentenced to 10 years, which was split for her to serve three years imprisonment followed by five years of supervised probation. In addition, she was ordered to pay full restitution to the State of Alabama in the amount of \$609,000, and through the terms of a plea agreement, she was also ordered to pay restitution in the amount of \$144,000 to Blue Cross and Blue Shield of Alabama.

March 15 - The Alabama Court of Criminal Appeals upheld the mur-

der and first-degree assault convictions of a Haleyville woman. Katrina Drake Alexander was found guilty by a Winston County jury on June 17, 2010, of the murder of her husband's ex-wife, and the shooting assault of the murder victim's step father-in-law. Alexander received a sentence of life imprisonment for the murder conviction and a concurrent 20-year term of imprisonment for the first-degree assault conviction.

"It is important that we remain vigilant as guardians of the taxpayers' money, to protect against inappropriate or excessive charges against government agencies."

Luther Strange

In response to settlement with CVS that recovered \$366,758 for the Alabama Medicaid Agency

March 22 - The Alabama Court of Criminal Appeals upheld the murder conviction of a Dothan man. Gregory Gross, 27, was found guilty by a Houston County jury in August of 2010 for the murder of Christopher Mackey. Gross was convicted and sentenced to 99 years imprisonment, and subsequently sought to have his conviction reversed on appeal. The Attorney General's office argued for the Alabama Court of Criminal Appeals to affirm the conviction. The court issued a decision on Friday, March 18, upholding the conviction.

APRIL

April 6th - Attorney General Luther Strange announced the felony theft conviction of a Conecuh County woman who was former director of a local court referral agency. Daphne Boley, 34, of Ev-

ergreen, pleaded guilty on April 3 to first-degree theft of property, a class B felony. Boley was previously employed as director of Southwest Alabama Court Referral, a private agency that contracted with the State of Alabama. In that capacity, Boley collected monitoring fees from various clients, which by state law were required to be forwarded to the State Comptroller's Office. Rather than remitting the funds to the State, Boley used this money for her own personal and business expenses. Prosecutors estimate that Boley stole more than \$60,000 from the State of Alabama.

April 14 - A former marine police officer was convicted April 13, 2011, for a second time of crimes involving illegal misuse of confidential law enforcement information. Noel Christopher Wood, 41, of Marbury, pleaded guilty in Baldwin County Circuit Court, having previously pleaded guilty to a similar charge in Tallapoosa County on March 8. He was formerly employed by the Alabama Department of Conservation and Natural Resources.

April 14 - Attorney General Luther Strange and ADEM Director Lance LeFleur announced that a major settlement agreed upon on April 14th by the TVA was expected to bring about \$11.2 million to Alabama in projects to improve energy efficiency and reduce air pollution. The settlement was to result in payment of \$500,000 in fines to the State of Alabama and significant shutdowns and reduced emissions at older coal-burning electrical facilities in North Alabama. On April 14th, the Tennessee Valley Authority agreed to the terms of a system-wide settlement with the

Year in Review - Highlights - Continued

States of Alabama, Kentucky, Tennessee, and North Carolina.

April 19 - The Alabama Court of Criminal Appeals upheld the murder conviction of a Mobile man on Friday. Booker T. Johnson Jr., now 33, was found guilty by a Mobile County jury in August 2010 for the murder of Terrance Clark. The case was prosecuted at trial by the Mobile County District Attorney's Office. Johnson was convicted and sentenced to 35 years imprisonment, and subsequently sought to have his conviction reversed on appeal. The Attorney General's Appeals Division handled the case during the appeals process, arguing for the Alabama Court of Criminal Appeals to affirm the conviction. The court did so in a decision issued on Friday, April 15.

April 19 - The Alabama Court of Criminal Appeals upheld the murder conviction of Kwesi Martez Allen. Allen was found guilty by a Bullock County jury in May of 2010 for the murder of Wilfred Heard. Allen was convicted and sentenced to life imprisonment, and subsequently sought to have his conviction reversed on appeal. The Attorney General's Appeals Division handled the case during the appeals process, arguing for the Alabama Court of Criminal Appeals to affirm the conviction. The court did so in a decision issued on Friday, April 15.

April 19 - A settlement with CVS Pharmacy, Inc., was to recover \$366,758 for the State of Alabama. The settlement was filed April 15 in the U.S. District Court for the Western District of Wisconsin, to resolve allegations that CVS overcharged the Alabama Medicaid Agency for prescription drugs.

April 21 - Attorney General Luther Strange announced the conviction on April 20, 2011, of Samuel P. Pettagruie, 58, of Leeds, on state charges related to the theft of grant funds inappropriately diverted to former State Senator E.B. McClain. Pettagruie pleaded guilty in Jefferson County Circuit Court to one count of third-degree theft. He received a sentence of 12 months and was granted probation for one year. His sentence was to be served concurrently with a federal sentence of five years probation imposed for his 2009 conviction of 47 counts of money laundering, mail fraud, bribery and conspiracy.

MAY

May 3 - Attorney General Luther Strange announced the May 2, 2011, conviction of former state Senator E.B. McClain on state charges related to the theft of grant funds that were inappropriately diverted to him. McClain pleaded guilty in Jefferson County Circuit Court to one count of third-degree theft. He received a sentence of 12 months and was granted probation for one year. His sentence was to be served concurrently with a federal sentence of five years and 10 months for 47 counts of money laundering, mail fraud, bribery and conspiracy. McClain, 71, is from Midfield.

May 6 - On May 6, 2011, a \$90.8 million settlement with the multinational Swiss bank, UBS AG, was announced as part of an ongoing nationwide investigation conducted by an anti-trust task force representing 24 states' Attorneys General. The settlement resulted from the task force's investigation of alleged anticompetitive and fraudulent conduct in the municipal bond derivatives indus-

try. Pursuant to the settlement agreement, UBS agreed to pay \$63.3 million in restitution to state agencies, municipalities, school districts, and not-for-profit entities nationwide that entered into municipal derivative contracts with UBS, or used UBS as its broker for such transactions between 2001 and 2004. In addition, UBS agreed to pay a \$2.5 million civil penalty and \$5 million in fees and costs of the investigation to the settling states. The states' settlement also provides that UBS will pay \$20 million in restitution directly to certain other government and not-for-profit entities as part of a separate settlement with the U.S. Securities and Exchange Commission.

"The public corruption surrounding this case was an outrageous abuse of the people's trust, and an example of the great need for this office to have a good and effective working relationship with other law enforcement and prosecutors. I am pleased that the state charges in this matter have been resolved, and proud of the continuing good work of the Attorney General's Investigations Division and Public Corruption and White Collar Crime Division."

Luther Strange

In response to the conviction of former state Senator E.B. McClain

Year in Review - Highlights - Continued

May 16 - On May 16, 2011, the Alabama Court of Criminal Appeals upheld the felony murder conviction of Fredrick Ford. Ford was convicted by a jury in Montgomery County Circuit Court in March of 2010 for the murder of Bernard Mitchell. The Attorney General's Appeals Division handled the case during the appeals process, arguing for the Alabama Court of Criminal Appeals to affirm the conviction. The Court did so in a decision issued on Friday, May 13. The felony murder conviction for Ford's accomplice, Corey Johnson, earlier was upheld by the Court of Criminal Appeals in a decision issued on March 11, 2011.

"It is important to this Office that these sex offenders are punished for their wrongdoing and that victims receive a measure of justice for the pain they have suffered. I am committed to the aggressive prosecution and sentencing of these despicable criminals, and the maximum penalty imposed in this case should send a message that sex crimes against children will bring severe penalties."

Luther Strange

In response to the sentencing of Nicky Marsh to the maximum term of 20 years imprisonment for sexual abuse of a child under 12-years-old.

May 18 - On May 18, 2011, an Elmore County man was sentenced to the maximum term of 20 years imprisonment for sexual abuse of a child under 12-years-

old. Nicky Marsh, 37, was found guilty by a jury in Macon County Circuit Court on April 22, following a trial that began on April 20. The Attorney General's Office presented DNA, medical and other evidence during the trial that showed Marsh had abused a young girl.

May 25 - The Alabama Court of Criminal Appeals on May 20, 2011, upheld the murder conviction of a Birmingham man. Rodriquez Maurice Williams, 24, was convicted by a jury in Jefferson County Circuit Court in January of 2010 for the murder of Jamie Hedgeman. The Attorney General's Criminal Appeals Division handled the case during the appeals process, arguing for the Alabama Court of Criminal Appeals to affirm the conviction. The Court did so in a decision issued on May 20. Cortez Towns also was convicted for the murder of Hedgeman, and Towns' conviction previously was upheld by the Court of Criminal Appeals in a decision issued on September 17, 2010.

May 25 - The Alabama Court of Criminal Appeals on May 20, 2011, upheld the murder and arson convictions of Ian Axyl Aitcheson. Aitcheson, 19, of Silverhill, was convicted by a jury in Baldwin County Circuit Court in March of 2010 for the murder of his father, Robert Aitcheson. The Attorney General's Criminal Appeals Division handled the case during the appeals process, arguing for the Alabama Court of Criminal Appeals to affirm the convictions. The court did so in a decision issued on May 20.

JUNE

Jun 9 - Attorney General Luther Strange joined in an amicus brief

filed in opposition to the National Labor Relation Board's proposal to punish employers for creating new jobs in right-to-work states. The Alabama Attorney General and 15 others from both right-to-work and unionized states argued that the NLRB's unprecedented enforcement action would stifle job creation and economic opportunity.

JULY

Jul 8 - Attorney General Luther Strange announced a \$92 million multi-state settlement with JP Morgan Chase & Co. (JPMC) as part of an ongoing nationwide investigation of alleged anticompetitive and fraudulent conduct in the municipal bond derivatives industry. As part of the multistate settlement, JPMC has agreed to pay \$65.5 million in restitution to affected state agencies, municipalities, school districts and not-for-profit entities nationwide that entered into municipal derivative contracts with JPMC between 2001 and 2005. In addition, JPMC agreed to pay a \$3.5 million civil penalty and \$6 million in fees and costs of the investigation to the settling states.

AUGUST

Aug 2 - A woman was sentenced to serve two years in prison for stealing \$130,000 of retirement savings from her hospitalized mother. Debra Davis pleaded guilty October 18, 2010, to first-degree theft, and on July 28, she received a sentence of 10 years imprisonment, of which she was ordered to serve two years with the remainder suspended and followed by three years of supervised probation.

Year in Review - Highlights - Continued

SEPTEMBER

Sep 8 - Attorney General Luther Strange said he was pleased by a federal court ruling that made it clear that the Constitution does not prohibit Alabama courts from convicting defendants of capital murder and sentencing them to life imprisonment without parole even though they were 17 years old at the time of the murder. The 11th Circuit Court of Appeals rejected arguments by Kenneth Loggins that a Supreme Court ruling prohibiting the death penalty for 17-year-olds also meant he could not receive the lesser alternative sentence of life without parole for capital murder. The Court affirmed that even though Loggins may not be executed for the 1994 murder and kidnapping of Vickie Deblieux in Jefferson County, the only alternative sentence for his capital murder conviction--life without parole--was properly imposed.

Sep 9 - A Conecuh County woman who was former director of a local court referral agency was sentenced. Daphne Boley, 34, of Evergreen, pleaded guilty on April 4 to first-degree theft of property, a class B felony. She was sentenced on September 8 in Conecuh County Court to five years imprisonment, which was suspended for a term of five years probation, and ordered to pay restitution to the Alabama Administrative Office of Courts in the amount of \$59,983. The Attorney General's Office recommended a sentence of ten years, and opposed the probation.

Sep 15 - Attorney General Luther Strange announced the conviction of a former municipal court clerk for first-degree theft of funds from the Spanish Fort Municipal Court. Mary Luft, 41, of Daphne, was

found guilty on September 13 following a trial that began the day before in Baldwin County Circuit Court. The jury deliberated for less than an hour before returning the guilty verdict.

OCTOBER

Oct 6 - The Alabama Court of Criminal Appeals on September 30 upheld the death sentence of Christopher Dewayne Revis. Revis, 33 of Hamilton, was convicted in November of 2006 of the killing of Jerry Stidham during the course of a robbery. The Attorney General's Capital Litigation Division handled the case during the appeals process, arguing for the Alabama Court of Criminal Appeals to affirm the propriety of Revis' death sentence.

Oct 6 - The Alabama Court of Criminal Appeals on September 30 upheld the murder conviction of Michael Craft. Craft, 54, of Scottsboro, was convicted in the Jackson County Circuit Court in February of 2010 for the murder of Bobbie Edwards. The Attorney General's Criminal Appeals Division handled the case during the appeals process, arguing for the Alabama Court of Criminal Appeals to affirm the conviction.

Oct 11 - Alabama has joined 24 other states and the U.S. Territory of Guam in filing an amicus brief urging the U.S. District Court for the District of Columbia to require the Environmental Protection Agency to delay implementation of new burdensome air emissions regulations in order to protect and preserve Alabama jobs and affordable electricity rates.

Oct 17 - Attorney General Luther Strange joined with 25 other states in an amicus brief to the U.S. Supreme Court about a federal court ruling that could under-

cut decades of effective water pollution control procedures that have been practiced in forestry. The brief was filed on Oct 14 to support the Oregon State Forester in an appeal to the U.S. Supreme Court of a ruling by the U.S. Court of Appeals for the Ninth Circuit, in the case of Decker v. Northwest Environmental Defense Center.

"This office remains firm in our stand to protect the integrity of our state and local governments and to prosecute those who abuse the public trust to steal taxpayers' funds."

Luther Strange

In response to the sentencing of a former director of a local court referral agency, who pleaded guilty to first-degree theft of property

Oct 20 - A Baldwin County man was sentenced October 19 to serve 15 years in prison for sex crimes he committed in 2007 against three children aged younger than 12. Tony Edward Coyle, 31, was sentenced to 15 years imprisonment for one count of first-degree sexual abuse. Additionally, he was sentenced to 10 years imprisonment for each of the following: one count of attempted sexual abuse of a child, and three counts of enticing a child. The sentences were ordered to run concurrently. Because of the nature of the crimes and the victims' ages, Coyle will be required to serve the full 15 years and is ineligible for parole or any reduction of his time in prison.

Oct 26 - Attorney General Luther Strange announced another significant cold case victory, with the

Year in Review - Highlights - Continued

conviction and sentencing of a man for a 1995 rape in Lee County. Kevin Tawan Ross pleaded guilty on October 24 in Lee County Circuit Court to first-degree rape. He was sentenced to 15 years imprisonment. Ross, 34, is of Opelika.

Oct 27 - A Madison man was sentenced to prison for crimes that included possession of a forged letter which purported to be from the Attorney General's Office in support of the man's pardon for previous crimes. Neal Mathias Reisel was sentenced to 10 years imprisonment for second-degree possession of a forged instrument, as well as five years for third degree burglary, with both sentences ordered to run concurrently.

NOVEMBER

Nov 2 - A former state school board candidate was sentenced for campaign finance disclosure violations. Troy W. Smithwick Jr., 68, of Sylacauga, was convicted in Talladega County Circuit Court on September 20 of two counts of violating the Alabama Fair Campaign Practices Act. He was sentenced to a suspended sentence of four months on each count in the county jail to run concurrently, and given 12 months probation. He also received a \$500 fine on each count, plus other court costs and assessments.

Nov 2 - Twin brothers were sentenced to prison for felony dog-fighting convictions. Each was sentenced to 10 years imprisonment, which was suspended and split for them to serve each day of 26 months in prison, followed by three years of probation. In addition, each brother was fined \$1,000 and ordered to pay court costs.

Nov 10 - Attorney General Luther Strange announced the creation of an automated victim notification system and the formation of an Implementation Task Force charged with overseeing the development and integration of the automated victim notification system. In 2011, the Legislature amended Alabama law relating to the meetings and authority of the Board of Pardons and Paroles and provided changes to the notification of victims about pardon and parole hearings through the creation and use of an automated notification system.

"I am pleased that this jury reached a verdict that holds this defendant responsible for the decisions and actions he took that tragically cut short the lives of two women."

Luther Strange

In response to the conviction of David Worth Wiltshire who was found guilty of manslaughter for the deaths of two women in a 2007 automobile crash in Covington County

Nov 17 - An Andalusia man was found guilty of manslaughter for the deaths of two women in a 2007 automobile crash in Covington County. David Worth Wiltshire, 49, was convicted by a jury in Covington County Circuit Court on November 6. The victims were Christie Wright Still of Evergreen who was 34 and Deanna K. Ingram Van Gieson of Theodore. Witnesses testified that Wiltshire was driving recklessly and speeding on U.S. Highway 84 in the city of River Falls on March 1, 2007, when his vehicle crossed over the centerline into the westbound lane

and struck a vehicle driven by Van Gieson. Still was a passenger in Wiltshire's car and she died at the scene. Van Gieson died two days later at Andalusia Regional Hospital. State troopers calculated that Wiltshire was driving 73 miles per hour and that the other vehicle was going 45 miles per hour.

DECEMBER

Dec 2 - An Athens man was convicted of two counts of second-degree rape of a minor girl aged between 12 and 16 years old. Nathaniel James Harrison, 22, pleaded guilty November 30 in Limestone County Circuit Court. The crimes occurred during the summer of 2011. Harrison was sentenced by Circuit Judge Robert Baker to 20 years for each count, which was split for him to serve three years imprisonment followed by a period of five years of probation. The sentences were ordered to be served concurrently.

Dec 7 - Attorney General Luther Strange announced another significant cold case victory, with the conviction and sentencing of a man for a 2006 robbery in Calhoun County. Patrick O'Neal Warren pleaded guilty on December 2 in Calhoun County Circuit Court to first-degree robbery. He was sentenced to life in prison. Warren, 36, is of Birmingham. Specifically, Warren pleaded guilty to attacking an Anniston woman at knifepoint on April 28, 2006 and then stealing her vehicle and money. Because Warren had two prior felony convictions, he was subject to Alabama's Habitual Offender Act and received the maximum sentence. Warren is also subject to provisions of the community notification law regarding sex offenders due to his pleading guilty to first-degree rape in 2001 in Jefferson County.

Year in Review - Highlights - Continued

Dec 7 - Attorney General Luther Strange announced the conviction of a man for sex crimes against a child in Morgan County. Zachary Mullins, 24, of Hartselle, pleaded guilty on December 1 to one count of second-degree rape and one count of second-degree sodomy. He was sentenced on December 5 to 10 years for each of the two convictions, to be served concurrently. He was ordered to serve three years in prison followed by seven years of probation and registration as a sex offender.

Dec 9 - A Dallas County woman was convicted for conspiracy and solicitation to murder, and forgeries related to life insurance fraud. Marie Billingsley, 59, was found guilty on December 8 by a jury in Dallas County Circuit Court of one count of criminal conspiracy to commit murder, one count of criminal solicitation to commit murder, and three counts of second-degree forgery. The Attorney General's Office presented evidence in a two-day trial about Billingsley's scheme to murder a woman and collect \$800,000 of life insurance. She was convicted for conspiring with her son to commit the murder. Marie Billingsley also solicited a third person to assist in the murder. The person solicited instead informed authorities of the murder plot. Although the third person did not know the victim's name, special agents of the Attorney General's Office worked to locate and identify the victim, thus preventing the murder. Using this limited information the agents further discovered Billingsley's forgeries of multiple insurance policies.

Dec 9 - Alabama Attorney General Luther Strange announced a \$58.75 million settlement with Wachovia Bank N.A. and Wells Fargo

Bank, N.A., as its successor ("Wachovia") as part of an ongoing nationwide investigation of alleged anticompetitive and fraudulent conduct in the municipal bond derivatives industry. As part of the multistate settlement with 26 Attorneys General, Wachovia has agreed to pay \$54.5 million in restitution to affected state agencies, municipalities, school districts and not-for-profit entities nationwide that entered into municipal derivative contracts with Wachovia between 1998 and 2004. In addition, Wachovia agreed to pay a \$1.25 million civil penalty and \$3 million for fees and costs of the investigation to the settling states.

Dec 12 - The Alabama Court of Criminal Appeals on December 9, 2011, upheld the conviction and sentence of Jamie Letson for the murder of Katherine Foster in 1980. More than 30 years after a young woman's body was found in the woods at the University of South Alabama in Mobile, a fellow student was sentenced in 2010 to life imprisonment for her murder. Jamie Letson was convicted and sentenced for the murder of 18-year-old Katherine Foster in 1980. The Attorney General's Office reopened the case and prosecuted at the request of Foster's family, as well as Mobile County Sheriff Sam Cochran and then-Mobile Police Chief Phillip Garrett.

Dec 12 - The Alabama Court of Criminal Appeals on December 9, 2011, upheld the felony murder conviction of Jason Murphy for the 2003 killing of Elmore County businessman Ronnie Holman during a brutal robbery and burglary. Two previous trials had resulted in mistrials when the juries did not reach a verdict.

Dec 27 - Attorney General Luther Strange announced a \$34.25 million settlement with GE Funding Capital Market Services, Inc., as part of an ongoing nationwide investigation of alleged illegal conduct in the municipal bond derivatives industry.

Capital Litigation

The Capital Litigation Division represents the State in all appeals in state and federal courts in which a criminal defendant convicted of capital murder has received a death sentence, including the direct appeal, state post-conviction proceedings or Rule 32 stage, and federal habeas corpus proceedings. During 2011, this division handled the following:

Direct Appeal Stage

- four capital murder convictions affirmed by the Alabama Court of Criminal Appeals
- two cases reversed by the Alabama Court of Criminal Appeals and new trials granted
- seven cases affirmed by the Alabama Supreme Court
- one case reversed by the Alabama Supreme Court and a new trial granted
- one case reversed by the Alabama Supreme Court and a new penalty phase granted
- five cases decided in favor of the State by the United States Supreme Court

Rule 32 Stage

- six Rule 32 petitions filed by death row inmates in circuit court were denied
- nine cases decided in favor of the State by the Court of Criminal Appeals
- four cases decided in favor of the State by the Alabama Supreme Court

Division Staff

Crenshaw, Clay*
 Anderson, Richard D.
 Blackburn, Kevin W.
 Cramer, Courtney M.
 Govan, Thomas R., Jr.
 Hammonds, Tina Coker
 Hayden, Jon B.
 Hughes, Beth J.
 Johnson, Henry M.
 Newman, Marie F.
 Nix, Jess R.
 Reiland, Stephanie E.

*Chief

Federal Habeas Corpus Stage

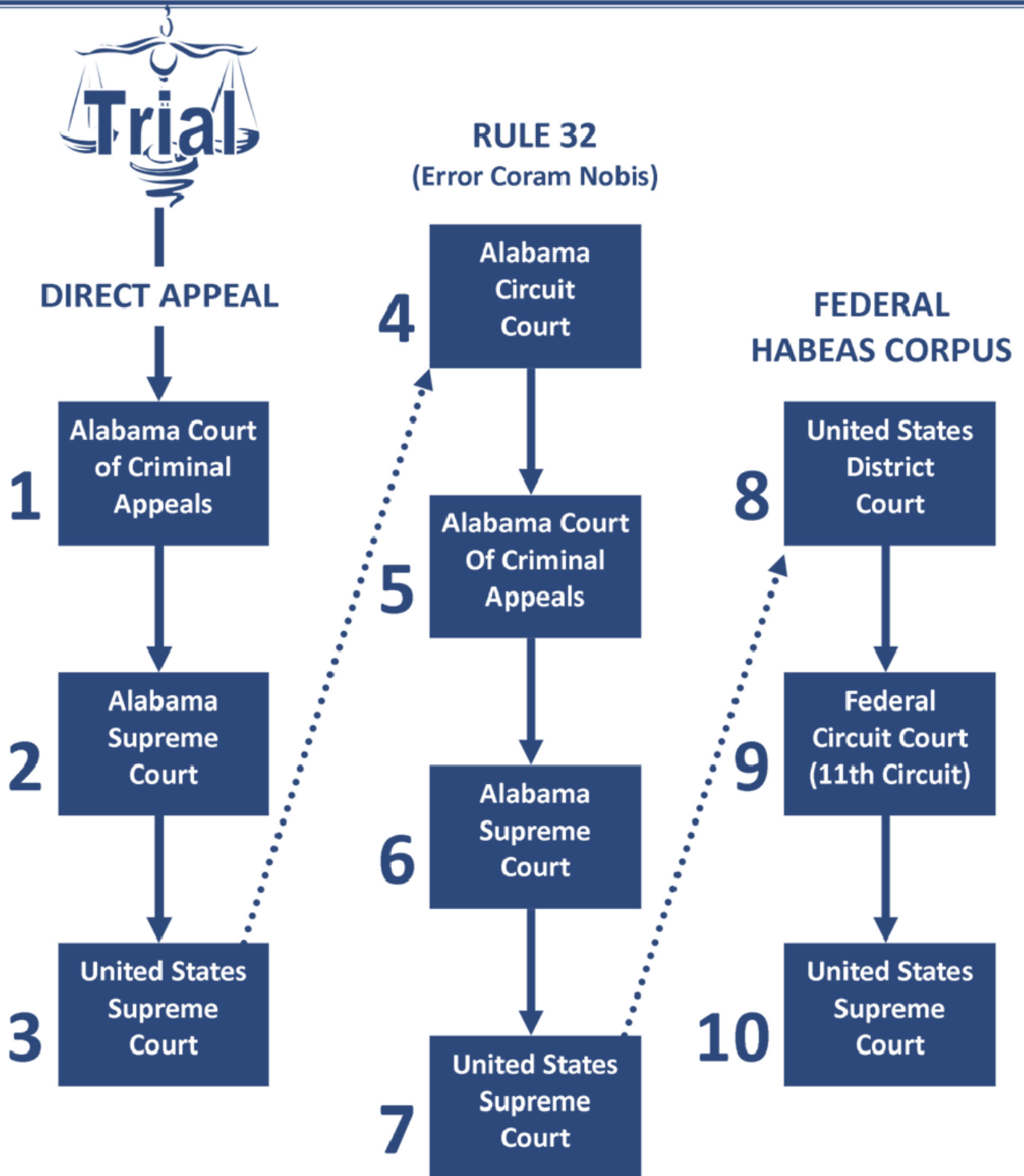
- three cases decided in favor of the State by the United States District Court
- one case reversed by the United States District Court and a new trial granted
- three cases decided in favor of the State by the United States Court of Appeals for the Eleventh Circuit
- one case reversed by the United States Court of Appeals for the Eleventh Circuit and the inmate was granted a life without parole sentence
- five cases decided in favor of the State by the United States Supreme Court

Quick Facts

- Impact on Alabama: active appeals in 40 counties during 2011
- six executions were carried out in 2011
 - ♦ William Glen Boyd: 24 years on death row
 - ♦ Leroy White: 21 years on death row
 - ♦ Jason Oric Williams: 18 years on death row
 - ♦ Derrick Oneal Mason: 16 years on death row
 - ♦ Eddie Duvall Powell III: 13 years on death row
 - ♦ Christopher T. Johnson: five years on death row
- 193 defendants on death row (as of 12/31/2011)



Death Penalty Appeals Process in Alabama



Constitutional Defense

The Constitutional Defense Division was established in 1998 and handles complex civil lawsuits filed against the State of Alabama, its agencies, and its officials. Division attorneys litigate cases in state and federal courts at both the trial and appellate levels. In addition, division attorneys submit statewide changes in voting practices and procedures to the United States Department of Justice for preclearance under Section 5 of the Voting Rights Act.

Among its goals, the division seeks to preserve the State's ability to conduct its business in a fair and constitutional manner, free from interference by federal agencies and private litigants. Litigation assigned to the division has included class actions and institutional reform litigation, as well as cases presenting complex issues of employment law, state and federal constitutional law, civil rights, and voting rights.

Quick Facts

- Impact on Alabama: 67 counties
- constitutional law
 - immigration
 - PAC to PAC transfer and dues checkoff litigation
 - Sex Offender Community Notification Act
- voting rights/pre-clearance of laws affecting voting
- election contests
- civil rights
- mostly federal court practice
- Board of Education and Congressional redistricting

Division Staff

Fleming, Margaret L.*
 Davis, James W.
 Fairbanks, Misty S.
 Gray, J. Lynn
 Mills, Patricia A.
 Parker, William G., Jr.
 Payne, Joshua K.
 Sinclair, Winfield J.

*Chief

Key Cases

The Constitutional Defense Division has been heavily engaged in the defense of Alabama's immigration law and in the prosecution of the State's oil spill claims against BP. Those efforts are described elsewhere in the Year in Review. Additionally, the division has worked on the following cases of note.

For the third time, the division successfully defended the prerogatives of the Alabama Department of Public Safety in the administration of Alabama driver's license tests. The first lawsuit, which reached the U.S. Supreme Court, argued that it violated federal law for the test to be given only in English. The second and third lawsuits argued that it violated the State Constitution for the test to be given in languages other than English. In the third challenge, *Beason v. Bentley*, the Division won summary judgment in the Montgomery County Circuit Court on the theory that the case was barred by the doctrine of res judicata. In March 2011, the Alabama Supreme Court affirmed that decision. The plaintiffs petitioned the U.S. Supreme Court for a writ of certiorari, and that Court denied plaintiffs' petition.

In *Keddie-Hill v. Citizenship Trust*, plaintiffs challenged Act No. 2009-768. The Act imposed a new court fee to be assessed in state-court criminal cases and directed distribution of the fee to the Alabama DNA Database Fund and the Citizenship



Trust. Plaintiffs alleged that the Act was constitutionally defective, and sought to compel a refund of fees already paid to a plaintiff class, as well as the payment of their attorneys' fees. The named plaintiffs were two individuals who had paid the fees as part of their court costs and a third individual whose criminal case was ongoing. The division argued that the challenges brought by individuals who had already paid the fee were actually collateral attacks on their criminal convictions, and that the Montgomery County Circuit Court lacked jurisdiction to interfere with the ongoing criminal proceedings as to the third named plaintiff. The circuit court denied plaintiffs' motion for class certification, but preliminarily enjoined distribution of the funds pending trial. Division attorneys appealed the preliminary injunction, and the plaintiffs filed a cross-appeal from the denial of class certification. The Alabama Supreme Court agreed with the division on both the appeal and the cross-appeal. The Court affirmed the denial of the plaintiffs' request for class certification, and ordered the lower court to dismiss the case without prejudice to permit the plaintiffs to assert their claims, one at a time, in their separate criminal cases. To the division's knowledge, the plaintiffs have not availed themselves of this option.

In *Alabama Dual Party Relay Fund v. Baxley*, plaintiffs sued to block the transfer of \$30 million to the State General Fund from the Alabama Dual Party Relay Fund, as mandated by the Alabama Legislature in Act No. 2011-567. In opposition to the plaintiffs' motion for preliminary injunction, division attorneys argued that the funds at issue were state funds, and that the Legislature had the power to order their transfer to the state treasury. The Montgomery County Circuit Court agreed and denied the plaintiffs' request, allowing transfer of the funds.

The division succeeded in having *Little v. Strange* transferred from the U.S. District Court for the District of Columbia to the U.S. District Court for the Middle District of Alabama, where it was then dismissed. The plaintiff sought to force the Attorney General to submit an Act for preclearance pursuant to Section 5 of the Voting Rights Act of 1965. The Attorney General's Office long ago concluded that the Act did not require preclearance and has declined to submit it. The Act has not been enforced, yet the plaintiff alleged that he was suffering an injury because the unprecleared Act could be enforced against him. The three-judge-court agreed with the division that the plaintiff did not

have an injury sufficient to confer standing, and thus the federal court lacked jurisdiction over his claim.

In *Lynch v. Alabama*, the division worked with outside counsel to defend Alabama's property tax system against claims that the system violates the Equal Protection Clause of the United States Constitution and Title VI of the Civil Rights Act of 1964. After three years of trial preparation and pretrial litigation, the U.S. District Court for the Northern District of Alabama conducted a bench trial for 15 days in March and April 2011. In October 2011, the Court issued an 850-page decision upholding the constitutionality of the State's property tax system. The plaintiffs appealed, and the division is representing the State in the U.S. Court of Appeals for the Eleventh Circuit.

In *Alabama Education Association v. Bentley* and *International Association of Fire Fighters v. Bentley*, plaintiffs separately challenge the constitutionality of Act No. 2010-761, which was passed as part of a special session of the Legislature to address ethics reform. The Act prohibits the use of state payroll deductions for the payment of donations to a political action committee (PAC) or for dues to a membership organization that engages in political activity. The plaintiffs allege that the Act violates their rights under the First Amendment, the Equal Protection Clause, and the Due Process Clause. The U.S. District Court for the Northern District of Alabama granted a preliminary injunction and the division appealed. The division was successful in having the injunction narrowed pending appeal, and, after oral argument, convinced the Eleventh Circuit Court of Appeals to further narrow the injunction and to certify questions of state law to the Alabama Supreme Court before reaching a final decision in the case. The case remains pending.

In another challenge to legislation passed during the 2010 Special Session, plaintiffs in *Alabama Democratic Conference v. Strange* contend that Act No. 2010-765 violates Section 2 of the Voting Rights Act of 1965 as well as the First Amendment to the U.S. Constitution. The Act bans PAC-to-PAC transfers in order to promote transparency in campaigning. In December 2011, the U.S. District Court for the Northern District of Alabama ruled for the state defendants on the Section 2 claim, but ruled for the plaintiffs on an as-applied constitutional challenge. The division has appealed the ruling to the Eleventh Circuit.

Criminal Appeals

The Criminal Appeals Division is the largest division of the office and represents the State in all appeals before state and federal appellate courts in all non-death penalty criminal matters. The division receives between 1,800 and 2,000 new cases each year.

The division lawyers fully understand the critical roles of law enforcement officers, district attorneys, and trial judges in enforcing the criminal laws. Accordingly, the attorneys in this division consult closely with trial judges, district attorneys, and law enforcement officers to help ensure that trials, prosecutions, and investigations are conducted in keeping with the latest developments in criminal law.

Each issue in an appeal is carefully researched, precise arguments are prepared, and a brief on behalf of the State and the victim is submitted for the appellate court's review to ensure that just and valid convictions are not compromised. If a conviction is reversed, the division lawyers pursue all reasonable grounds to have that decision overturned by a higher court so that victims will not be subjected to another trial.

Quick Facts

- Largest division in the Office of the Attorney General
- Represents the State in appeals of all criminal cases other than death penalty cases
- 25 attorneys and 7 support staff
- 1,501 new cases in 2011. Of the 1,501 new cases, 14 were capital murder cases in which a sentence of life-without-parole was imposed; 27 were murder cases; 398 were appeals in Rule 32 cases; 174 were federal habeas corpus cases, and 14 were pretrial appeals by the State
- Statewide Impact: active appeals in all 67 counties during 2011, plus circuit court appearances in 11 counties.

Key Cases

During 2011, the Appeals Division represented the State in the following cases of first impression:

Ex parte State of Alabama, -- So.3d --, 2011 WL 6004617 (Ala. 2011), the Alabama Supreme Court held that a child's prior statements concerning abuse were not inadmissible under The Child Physical and Sexual Abuse Victim Protection Act of the Code of Alabama. The Court reconciled the rules of evidence and the Act in favor of admitting the child's statements concerning sexual abuse. The State was



Division Staff

Bjurberg, P. David*
 Blackmon, Sandra
 Brendle, Cecil G.
 Chappell, Jean-Paul M.
 Clemens, Suzanne
 Cuthbert, Laura Irby
 Daniel, Tracy M.
 Davis, John J.
 Dean, Michael G.
 Dill, William D.
 Dodd, Stephen N.
 Eddings, Lynne
 Givner, Jewel M.
 Jordan, Audrey
 Leverette, J. Thomas
 Lewis, Madeline Hinson
 Little, William D.

McCullough, Patricia P.
 Miller, Teresa H.
 Nunnelley, Michael A.
 Poe, Beth Slate
 Poole, Andy S.
 Porter, John M.
 Prude, James B.
 Saxon, Yvonne H.
 Scales, Robin Blevins
 Starrett, Marc A.
 Stephens, Ferris W.
 Taylor, JoAnn
 Therkelsen, Jean A.
 Wilkerson, Kristi O.
 Willis, Jack W.

*Chief

represented by Solicitor General John Neiman, the Deputy Solicitor General Prim Escalona, and Assistant Attorney General Yvonne Saxon of the Criminal Appeals Division.

In *Ex parte Reck*, -- So.3d --, 2011 WL 2573076, (Ala. 2011), the Alabama Supreme Court reversed the Court of Criminal Appeals and held that a lay person's (in this case, the victim's mother) testimony could establish the element of serious physical injury sufficient to convict a defendant of first degree assault. The Court further held a competent person with first-hand knowledge of the victim's injuries, recovery, and disfigurement is capable of testifying concerning the seriousness of the disfigurement. Until the Court's ruling, the State generally had to establish the element by the testimony of a physician or the victim. The State was represented by the Solicitor General John Neiman, Deputy Solicitor General Prim Escalona, and Assistant Attorney General Jean Therkelsen of the Criminal Appeals Division.

In *Ex parte State*, 73 So.3d 738 (Ala. 2011), the Alabama Supreme Court overruled prior cases and allowed evidence that the defendant had a sexual relationship with the victim's sister, which resulted in the sister becoming pregnant, in order to prove that he sexually assaulted the victim. The Supreme Court held, that when relevant, such testimony was admissible, and overruled prior case law that held such evidence was inadmissible regardless of its relevancy. The State was represented by Assistant Attorney General Tracy Daniel of the Criminal Appeals Division.

In *Ankrom v. State*, and *Kimbrough v. State*, the Court of Criminal Appeals held that the term 'child' applied to a viable fetus, and therefore a woman could be prosecuted under the statute prohibiting the chemical endangerment of a 'child' (Ala. Code §26-15-3.2 (2006)), for ingesting a controlled substance during her pregnancy. The State was represented by Assistant Attorneys General Cecil Brendle in *Ankrom* and Michael Dean in *Kimbrough*. Both cases are pending in the Alabama Supreme Court.

In *Gracie v. State*, CR-10-0596 (Ala. Crim. App. 2011), the Court of Criminal Appeals held that law enforcement may search a cell phone which is not password-protected incident to a lawful arrest. This case is not final and the decision is subject to change. Gracie's petition for a writ of certiorari is pending in the Alabama Supreme Court. The State was represented by Assistant Attorney General Jean-Paul Chappell in the Court of Criminal Appeals.

In *Lay v. State*, -- So.3d --, 2011 WL 4511228 (Ala. Crim. App. Sept. 30, 2011), the Court of Criminal Appeals held that a defendant has no constitutional right to jail credit for pretrial confinement under Ala. Code §15-18-5 (2006), and could validly waive jail credits when plea bargaining with the State. The State was represented by Assistant Attorney General Cecil Brendle.

In two important cases concerning ethics in government, the State prevailed in *State v. Turner*, --So.3d--, 2011 WL 6278303 (Dec. 16, 2011) and *State v. Worley*, -- So.3d --, 2011 WL 2094780 (Ala. Crim. App. May 27, 2011). In *Turner*, the trial court had held that the Ethics Act, Ala. Code § 36-25-5 (2006),

was unconstitutional because it was vague. The Court of Criminal Appeals disagreed and reversed the trial court's holding. The Court of Criminal Appeals held that the statute was not vague as to Turner's alleged acts of using his office for personal gain. Turner's case is pending in the Alabama Supreme Court. Assistant Attorney General Robin Scales of the Criminal Appeals Division and Solicitor General John Neiman represent the State.

In *Worley*, the Court of Criminal Appeals, on remand from the Alabama Supreme Court, held that the Ethics Act was not vague in regard to Worley's alleged acts of improperly influencing her employees when she was Secretary of State. This ruling allows the prosecution to continue. Worley has petitioned the Alabama Supreme Court for review of the Court of Criminal Appeals' decision. Assistant Attorney General Marc Starrett of the Criminal Appeals Division represents the State.

Service to the State and Bar

Assistant Attorney General **Marc Starrett** was appointed to be the Office's representative on the newly formed Alabama Commission for the Prevention and Treatment of Substance Abuse. Marc was also appointed to serve on the Alabama State Bar's Appellate Decisions Committee for The Alabama Lawyer.

Assistant Attorney General **Yvonne Saxon** serves on the Alabama Bar's Committee on the Unauthorized Practice of Law.

Tommy Leverett served on the Alabama Supreme Court's Standing Committee on the Rules of Criminal Procedure.

Executive

The Executive Division houses the executive staff, including the Attorney General, Chief Deputy Attorney, Law Enforcement Coordinator, Administrative Law Judge, Senior Assistant Attorney General detailed to Sentencing Commission and consultant to Judicial Inquiry Commission, the Solicitor General and deputies, as well as Legislative Affairs, Constituent Services, Press and Victim Services sections. The Chief Deputy Attorney General oversees all legal staff and keeps abreast of the day-to-day legal matters. The scheduling and secretarial staff serve the Attorney General directly. The Executive Division keeps the Attorney General informed of all legal matters in the office to ensure that he is fully informed when making any decision.

Division Staff

Strange, Luther J.*	McLure, Sandra M.
Brasher, Andrew L.	Neiman, John C., Jr.
Davis, Rosa H.	Patterson, Joy
DeBow, Michael E.	Sommer, Jeffrey N.
DiChiara, Michael L.	Thornton, Stephanie
Escalona, Prim F.	Turner, Kevin L.
Farshee, Jean Ann	Weller, Julia J.
Guthrie, Karen L.	Webb, Suzanne G.
Maze, Corey L.	Zook, Louis G.

*Chief



Court of Appeals for the Eleventh Circuit. The Solicitor General supervises the drafting and submission of all briefs the State files in the U.S. Supreme Court, the Alabama Supreme Court, and the U.S. Court of Appeals for the Eleventh Circuit. The Solicitor General is responsible for ensuring that the State takes consistent positions in these courts and produces well-written briefs that set out a reasoned view of the law. In some cases, the Solicitor General and his staff are directly responsible for drafting briefs. In others, the Solicitor General supervises the work of attorneys who have the primary responsibility for drafting the briefs. The Solicitor General also presents oral argument in these courts. In some matters of great importance, the Solicitor General represents the State at the trial level. In addition to supervising appellate cases in which the State is a party, the Solicitor General also supervises the State's submission of amicus briefs supporting other parties, such as other states, in cases where Alabama is not a party.

Solicitor General - Quick Facts

- Represents the State in all U.S. Supreme Court cases (2011: one merits case, several amicus filings, and numerous cases at certiorari stage)
- Represents the State in multi-state litigation
- Supervises all appeals in Alabama Supreme Court and U.S. Court of Appeals for the Eleventh Circuit
- Responsible for additional high-profile trial-level litigation that is likely to become the subject of appeals (e.g., immigration, gambling)

Legislative Affairs

The Legislative Affairs Section drafts and coordinates the Attorney General's legislative agenda.

Press Office

The Press Office handles press inquiries, issues news releases, and handles other matters regarding the news media.

Constituent Services

Constituent Services works with our Public Hotline Section to assist with written questions, requests, comments, and complaints from the general public as well as federal, state, and local public officials and governmental agencies.

Solicitor General

The Solicitor General serves as the chief appellate lawyer for Alabama's state government. The Solicitor General is responsible for all appeals in which the State is a party before the U.S. Supreme Court, the Alabama Supreme Court, and the U.S.

General Civil and Administrative Law

The General Civil Litigation and Administrative Law Division represents the State in civil actions in all courts and before administrative boards as both a defender and initiator of civil actions. The range of civil matters handled by this division includes prisoner litigation, representation in administrative hearings, and contracts and related commercial transactions. In addition, this division has four areas of specialization (1) the Consumer Protection Section responds to complaints from the public regarding consumer transactions; (2) the Antitrust Section analyzes issues arising under federal antitrust statutes, primarily the Sherman Act and the Clayton Act; (3) the Environmental Section litigates state environmental laws regarding pollution, illegal hazardous waste, and other dangerous environmental concerns; and (4) the Utilities Section represents the public in all matters affecting utility services before the Alabama Public Service Commission.

The Attorney General is responsible for litigation matters for all state agencies, which number approximately 150 agencies, boards and commissions. Many of the larger agencies have their own legal departments with attorneys appointed by the Attorney General. However, many of the boards and commissions are small, and may not be able to afford their own legal department or full-time attorney. Therefore, these state entities must rely on the Attorney General's Office for legal representation. The General Civil and Administrative Law Division provides legal representation for 73 agencies, boards, and commissions. The attorneys in the division act as "general counsel" to the regulatory boards and review, prepare, and prosecute allegations against licensees accused of violating the various practice acts.

Boards & Agencies Represented

Accountancy, Board of
Architects
Archives and History
Armory Commission
Arts and Humanities, Counsel on
Assisted Living Administrators
Alabama Board of Athletic Trainers
Athletic Trainers Commission
Auditor
Boilers and Pressure Vessels
Building Commission
Building Finance Authority
Chemical Testing and Training
Children's Affairs
Children's Trust Fund
Consumers Utility Rate Hearing
Fund
Contract Review Committee
Court Reporters' Board
Cosmetology, Board of
Counseling, Board of Examiners of
Criminal Justice Information
Center
Dental Scholarship Board
Dietetics Board
Dry Cleaning Environmental
Response
Educational Television

Electronic Security Licensure
Elevator Safety Review Board
Engineers and Land Surveyors
Environmental Mgt. Commission
Examiners of Public Accounts
Farmers Market Authority
Foresters, Board of Registration
Funeral Directors Board
Geologist, Board for Licensure
Governor's Mansion Authority
Hearing Instrument Dealers Board
Heating and Air Conditioning
High School Athletic Association
Historic Blakely Authority
Historic Iron Works Commission
Historical Commission
Indian Affairs
International Airport Authority
Interpreters Commission
Interior Design Coalition
Labor Board
Landscape Architects
Library Services
Lt. Governor's Office
Liquefied Petroleum Gas Board
Manufactured Housing
Commission
Marriage & Family Therapy
Massage Therapy Board
Military Department
Motor Sports Hall of Fame

Multiple Needs Child Office
Music Hall of Fame
Nursing Home Administrators
Board
Nutrition Board
Occupational Therapy Board
Onsite Wastewater
Peace Officers Benefit & Annuity
Fund
Peace Officers Standards and
Training
Physical Fitness Commission
Physical Therapy Board
Plumbers & Gas Fitters
Podiatry, Board of
Polygraph Examiners Board
Records Commission
Registrars
Respiratory Therapy
Safety Coordinating Committee
Sickle Cell Commission
Social Worker Examiners
Soil & Water Conservation
Committee
Space and Rocket Center
Speech Pathology and Audiology
St. Stephens Historical Society
Tourism and Travel
Veterinary Medical Examiners,
Board of

Antitrust

The Antitrust Section analyzes issues arising under federal antitrust statutes, primarily the Sherman Act and the Clayton Act. Issues involving market division, price-fixing, bid-rigging, refusals to deal, and other monopolistic, collusive behaviors are investigated often in conjunction with other states and federal agencies, when Alabama's free market competitive landscape may be negatively impacted. The Antitrust Section also conducts merger review and analysis in order to protect Alabama's competitive markets. The goal of the Antitrust Section is to protect competition by punishing illegal behavior. This is accomplished by aggressive investigation and prosecution of those who refuse to operate by the rules, and further by intensive merger analysis to identify and address adverse anticompetitive effects.

Environmental

The Environmental Section represents the State of Alabama on a variety of complex environmental issues before the state and federal courts and numerous state and federal governmental agencies. The Environmental Section actively litigates on behalf of Alabama to enforce state environmental laws and to prevent and abate pollution of state waters, land, and air. In addition, the section works closely with and/or represents various state environmental regulatory boards and agencies, including the Alabama Department of Conservation and Natural Resources, the Alabama Department of Environmental Management, and the Alabama Environmental Management Commission.

Utilities

This section of the Civil Division acts as the advocate for the consumers before the Alabama Public Service Commission and represents the Attorney General in all utility matters before the Public Service Commission. The Attorney General, primarily representing residential consumers, intervenes in utility matters affecting the public interest, particularly those utility dockets involving rate and service issues with electricity, natural gas, telecommunications, water, and wastewater companies.

Division Staff

Garrett, Billington M.*	Hughes, Todd E.
Albritton, Benjamin H.	Ibarreta, Alicia A.
Armstrong, Barbara A.	Johnson, Josephine M.
Atcheson, Angela F.	Johnson, Mary A.
Barber, Rhonda L.	Leonard, Ellen R.
Barnes, Noel S.	Long, Jeffery H.
Baxley, Jamie J.	Martin, Olivia W.
Beckman, Kyle A.	Nichols, Emily L.
Bledsoe, J. Matt	Steinwinder, James M.
Carmack, Bettie J.	Tambling, Robert D.
Cleveland, Laura H.	Utley, Elizabeth E.
Goldthwaite, Mary A.	Wallace, Jack W., Jr.
Haisten, Beth	Whyard, René A.
Hoffman, Helen B.	



Consumer Protection

The Consumer Protection Section performs multiple duties including promoting public awareness, regulating organizations, mediating disputes, and investigating and prosecuting civil suits. Specifically, the section serves as a mediator of retail-based disputes between consumers and businesses. If circumstances warrant, the section may initiate a civil suit to enforce the Alabama Deceptive Trade Practices Act (“DTPA”) and to protect consumers from con artists and unscrupulous business practices. When a suit is filed, the section is authorized to seek restitution for the affected consumers, as well as injunctive relief and civil and criminal penalties against violators. To help protect Alabamians, the section regularly informs the public about the latest scams and provides tips about avoiding fraud. The section also regulates businesses and organizations including charities, health studios, and telemarketing companies. To that end, the section ensures that various rules adopted to protect the public are followed. Similarly, the section frequently joins other states to investigate possible large-scale violations of the DTPA by regional, national, and multi-national companies.

Quick Facts

- \$1,105,047 in multi-state settlements
- 4,805 consumer complaints processed
- 15 active multi-state investigations
- \$442,050 in savings to consumers

Key Cases

The GlaxoSmithKline (“GSK”) multi-state investigation sought to determine whether a subsidiary of GSK in Cidra, Puerto Rico, manufactured and put into the stream of commerce certain lots of prescription drugs Kytril, Bactroban, Paxil, and Avandamet that were adulterated through a substandard manufacturing process. The Attorney General’s complaint charged that GSK, in the course of the manufacturing, promotion, selling, and distribution of these drugs, engaged in a course of unfair, deceptive, or misleading practices by knowingly making false representations about the quality and characteristics of the drugs in violation of the Alabama DTPA. Due to this investigation, GSK was ordered to pay the State \$848,892 in civil penalties.

In *State v. DIRECTV*, the section joined a multi-state investigation into whether DIRECTV made

statements or illustrations in advertisements that created a false impression in consumers about the characteristics of DIRECTV goods and services, including the availability of certain sports programming. Pursuant to a consent judgment, DIRECTV agreed not to use misleading advertisements about programming availability and promotional offers and to clearly and conspicuously disclose all material terms or conditions in sale or lease offers. DIRECTV also agreed to pay the State a judgment in the amount of \$250,000.

In the case of *State v. Davis*, Debra Davis fraudulently used a limited power of attorney given by her mother, Doris Anderson, to empty her retirement account of \$130,000 at multiple Alabama casinos while Anderson fought a staph infection in a hospital following back surgery. With oxygen tubes running to her face and two titanium braces surgically implanted in her back, Anderson later appeared in court and told Judge Reynolds that her daughter “took my whole life savings, everything that I had. It’s broken my heart. I loved her so much and I trusted her.” Davis was sentenced to serve two years of a ten-year sentence. To make matters worse, the IRS required Anderson to pay \$150 per month for taxes on the stolen money. But following sentencing, the Section worked with the Montgomery IRS office to help eliminate the remainder of Anderson’s tax burden. This case was prosecuted by Noel Barnes, Consumer Protection Chief.



Investigations

The Investigations Division of the Attorney General's Office investigates a variety of criminal matters, such as public corruption, white collar crime, "cold" cases involving unsolved homicides and rapes, and other violent crimes. The Investigations Division's core values are integrity, independence, leadership, initiative, and respect for individuals.

The Investigations Division's mission is to conduct investigations fairly and impartially, reporting the results accurately and completely. A number of these investigations are conducted independently, while some are done in concert with other local, state, and federal law enforcement agencies.

Our vision is to be a highly effective investigative organization that protects Alabama's citizens from those who would abuse the public trust, from individuals who threaten the safety of our people, and from those who adversely affect the quality of life enjoyed in Alabama.

Territory and Jurisdiction

Investigations are conducted throughout the state. Some cases require investigations to be conducted in other states and countries.

Quick Facts

- 18 Special Agents and two support staff
- 201 pending investigations
- 28 new indictments in 2011
- 44 convictions in 2011



Division Staff

Fuhrman, Timothy J. *
 Barnes, John W.
 Billingsley, Danny E.
 Cayton, Donna L.
 Chandler, Jeffrey C.
 Coram, Thomas F.
 Fleming, Pervis L.
 Lingle, Laura D.
 McRae, W. Chris
 Murray, James K.
 Pinckard, Steven H.
 Regan, Charles E.
 Sambor, Darrell G.
 Seroyer, Jesse, Jr.
 Sisson, Howard E.
 Smith, Shawn
 Smith, Susan A.
 Spivey, Edwin B.
 Thomas, Jacqueline

*Chief

Medicaid Fraud Control Unit

The Alabama Medicaid Fraud Control Unit was organized in 1978 as a unit of the Alabama Attorney General's Office. The unit receives 75% of its funding from the U.S. Department of Health and Human Services and 25% from state matching funds. The unit is designed to operate under a team approach, as the terms of the federal grant require a variety of disciplines within the unit including attorneys, investigators and auditors.

The unit is responsible for investigating and prosecuting allegations of fraud against the Alabama Medicaid Program by Medicaid providers. This unit is also responsible for investigating and prosecuting allegations of abuse, neglect, and the financial exploitation of residents of long-term care facilities that receive Medicaid funding, including nursing homes. The unit is also authorized to enter into civil settlements to recover funds overpaid to providers that are not the subject of criminal activity

Quick Facts

- Impact on Alabama: active cases in 41 counties during 2011.
- six Criminal Prosecutions
- 30 Civil Settlements
- \$23,311,064.09 recovered
- Largest total recoveries for one year in Unit history

Unit Staff

Lieberman, Bruce M. *
Briscoe, Bobby J.
Brown-Edwards, Tracey
Davis, Patricia P.
Fuller, Elizabeth M.
Keeshan, Richard H.
Kornegay, Timothy
Shockley, Gerald G.

*Chief

Key Issues/Cases

- Completed the largest criminal prosecution in the history of the unit, **State of Alabama v. Joan Johnson**, with over \$600,000.00 in losses to the Alabama Medicaid Agency identified. The former manager of a Troy medical supply business was convicted for Medicaid fraud and for the theft of more than \$600,000 from the Alabama Medicaid Agency. On March 8, 2011, Joan Elizabeth Corbitt Johnson pleaded guilty in Montgomery County Circuit Court and was sentenced to ten years, which was split for her to serve three years imprisonment followed by five years of supervised probations. In addition, she was ordered to pay full restitution to the State of Alabama in the amount of \$609,000, and through the terms of a plea agreement, she was also ordered to pay restitution in the amount of \$144,000 to Blue Cross and Blue Shield of Alabama.



Opinions

Through the Opinions Division, the Attorney General, upon written request, furnishes written opinions on questions of law to state departments, agencies, boards and commissions; the Chairman of the Judiciary Committee of either legislative house upon a matter under consideration by the Committee; and to local public officials and local governmental entities.

Highlights

The Opinions Division issued opinions on various issues ranging from questions relating to the Open Meetings Act, the Competitive Bid and Public Works laws, election laws, and the appropriate use of various public funds.

Several opinions were issued relating to questions concerning the Legislative Double Dipping Prohibition Act (Act No. 2010-760) which regulates the conduct of legislators. In a nutshell, this Act prohibits a legislator from being employed with a state governmental entity or educational institution while at the same time being an elected official in the Legislature. See Opinions 2011-042, 2011-043, and 2011-066.

Three different county commissions requested opinions on issues involving the Public Works and Competitive Bid Laws. These questions related to whether the advertisements substantially complied with the requirements of the law and whether extraordinary circumstances existed that justified a change order in excess of thirty percent. See Opinions 2011-100, 2011-078, and 2011-058.

The office also continued to address questions that arise under the Alabama Open Meetings Act as reflected in Opinion No. 2011-014. This opinion addressed the proper notice that must be given for committee meetings.

Website

All of the opinions issued by the Attorney General dating back to 1979 can be searched and retrieved through the Attorney General's website at www.ago.alabama.gov.

Quick Facts

- 234 requests received in Fiscal Year 2011
- 106 opinions Issued
- 18 election complaints received
- 23 opinions issued to state departments and agencies
- four opinions issued to constitutional officers
- 14 opinions issued to members of the Legislature
- 43 opinions issued to county officials
- 22 opinions issued to municipal officials
- Impact : opinions issued to public official in 39 counties in Alabama



Division Staff

Smith, Brenda F. *
Beeson, Ward
Gaines, Monet M.
Owens, Janice H.

*Chief

Public Corruption and White Collar Crime

The Public Corruption and White Collar Crime Division prosecutes ethics law violations, bid-rigging, election fraud and any other form of public corruption. In addition, the division prosecutes complex economic crimes where the victims are private individuals and businesses.

This division conducts grand jury investigations of crimes committed by public officials and employees statewide, and prosecutes indictments returned by those grand juries. In addition, prosecutors in this Division prosecute other complex economic crimes.

Quick Facts

- Prosecutes public officials and employees for offenses such as theft of property or ethics law violations.
- Enforcement of gambling laws
- Property crimes where the victims are private citizens or businesses (e.g., workers' compensation fraud)
- Impact on Alabama: 67 counties
- 18 new indictments
- 10 trials
- 31 convictions for offenses including violating the Fair Campaign Practices Act, ethics laws and theft of property



Division Staff

Gibbs, John D. *
Arnold, Lori B.
Billingslea, Stephanie C.
Duffy, Michael B.
Hart, M. Matt
Hays, Merritt R.
Kennedy, Catherine L.
Lisenby, William A., Jr.
Lunsford, Amber L.
Smyczek, Peter J.

*Chief

Violent Crimes

The Violent Crimes Division in the Office of the Attorney General prosecutes primarily cases of violent crimes in circuit courts throughout the State of Alabama. Generally, the division prosecutes violent crimes when local authorities, district attorneys, or law enforcement request assistance, have conflicts, or do not have the resources to prosecute lengthy, complex, or technical litigation. Such cases are high profile and sensitive cases that require tremendous resources and expertise not available to most local district attorneys. The Violent Crimes Division seeks to work on the most challenging cases of particular legal significance. As a result, this division handles many capital murder cases at the trial level.

The Division also works with the Attorney General's Cold Case Unit, which has led to significant criminal indictments and convictions. These are long-standing unsolved cases with emphasis on violent sexual assault crimes.

Quick Facts

- 158 court appearances
- 35 grand juries
- 131 hearings
- six trials

Division Staff

Valeska, Donald G.*
 Arrington, Andrew D.
 Ballard, Shelley N.
 Baxley, Ben M.
 Hawkins, Kelly B.
 Hensley, John C.
 Hughes, Janice B.
 Hunter, Eric W.
 Johnson, Christopher W.
 Reagan, Henry T. (Sonny)
 Rutter, James H., III

*Chief



Victim Assistance

Created on January 11, 1988, the Attorney General's Office of Victim Assistance (AGOVA) was established to provide statewide assistance to victims of violent crime. The journey through the justice system can be traumatic, especially for victims of violent crime. AGOVA offers victims and victims' families a place they can turn to before and after their offender is sentenced.

Our goal is to help victims understand the judicial process, advocate for their rights, and maintain contact so they can be kept informed and updated on all matters pertaining to the case that has impacted their lives. Understanding their rights as victims of crimes is important for them and their families.

AGOVA provides direct victim assistance and referrals for victims through its toll-free hotline, 1-800-626-7676, additional information can be found by selecting the "Victim Assistance" link on our office website, www.ago.alabama.gov.

Quick Facts

- 704 victims assisted at parole hearings
- 14 victims assisted at four trials
- 28 victims assisted at four executions
- 541 victims advisories (appeals and sex offender)
- 11 victims assisted at appellate hearings
- 2,495 protest letters filed on behalf of victims by Attorney General Luther Strange



Key Issues

Members of AGOVA have been working with the Implementation Task Force created by the Legislature in Act. No. 2011-681 to implement an automated victim notification system that is expected to go into effect in 2012. This will be a valuable resource for victims as it will enable them to self-register their contact information and have 24/7 computer access to information about their offender.

Victim Assistance Staff

DeBortoli, Patricia S. *
Hancock, Doris E.
Harbin, Ashley Farmer

*Chief

Administrative Services

The Administrative Services Division plans, coordinates, and directs a broad range of services that allow the office to operate efficiently. The division is responsible for the public hotline, budgeting, accounting, payroll, contracts, purchasing, property inventory, information technology, training, telecommunications, website maintenance, human resources, law library and computer assisted legal research, records management, space management, and mail and courier services, as well as assisting with legislation that affects office operations and supporting the office's security needs.

Public Hotline

The Public Hotline Section has the most contact with the general public, especially the citizens of Alabama, than any other area of the office. This section primarily addresses questions, requests, comments, and complaints from the public and from federal, state, and local public officials and governmental agencies.

In 2011, the Public Hotline Section received 4,484 telephone calls and met with numerous "drop-in" visitors. While the Public Hotline Section may not provide legal advice or legal representation, this section does answer general questions and evaluates each contact to determine if the Attorney General's Office should or can take any action. If the office can take action, the Public Hotline Section directs the caller to the appropriate division, section, or person in the office.

Callers and individuals with issues outside the Attorney General's jurisdiction are referred to other public agencies and publicly available websites that may be of assistance.

Division Staff

Doucet, Charla G.*	McCauley, Tiffany R.
DePaola, Alea V.	Missildine, Shawn M.
Farshee, Lori A.	Monplaisir, Donald C.
Foster, Todd H.	Murphy, Sha'Tonya D.
Friday, Lee	Nummy, Alan
Helton, Leah M.	Pugh, Angelique
Herman, Karen L.	Roberts, Patrick L.
Jenkins, Sarah J.	Self, Danielle
Larriuz, Patricia E.	Sheeler, Monica S.
Lindsey, Kayla A.	Sidlowski, Robyn
Martin, Melisa A.	Smith, Allegra S.

*Chief

ATTORNEY SPOTLIGHT

Patrick L. Roberts

During Assistant Attorney General Pat Robert's tenure with the office, he has been the primary attorney for the Public Hotline Section. He began working in the office in 1987, and for the last 24 years, he has addressed the needs of our citizens.



Mr. Robert's background is unique in that both his education and experience prepared him to deal with the public on a daily basis. Prior to coming to our office, much of his professional life was spent assisting others in the areas of mental health assistance and social work. His unique background of social work and psychology mixed with a law degree helped make him an ideal Public Hotline attorney.

In February 2012, Roberts retired after 30 years of service to the State. Roberts has given a tremendous part of himself to the Attorney General's Office, and we want to express how much his career has meant to this office.



Law Enforcement Summit 2011

The 12th annual Attorney General's Law Enforcement Summit was held in Birmingham on October 13, 2011. More than 525 law enforcement officers from throughout Alabama attended and received practical information and professional training, with a primary focus on sentencing and incarceration concerns. A somber highlight of the day came with the commemoration of fallen officers who lost their lives in the past year.

"I am grateful and proud of the bravery and unselfish dedication that law enforcement officers give to people of Alabama in their service to us each day."

Luther Strange

Attorney General Strange welcomed law enforcement officers and discussed the event's theme. "Our state faces a crisis in how to effectively manage the sentencing and incarceration of the growing numbers

of criminals. Justice demands that these criminals must be punished and that our citizens must be protected. We are honored that many who are at the forefront of this difficult issue have agreed to share their experience and wisdom with us here today."

The 2011 conference featured a series of presentations from experts that included the following: "The Truth about Alabama's Ability to Punish Criminals," from Bennet Wright, Executive Director, Alabama Sentencing Commission; "The Role of the Sentencing Commission, Establishing Honesty in Sentencing," from Judge Joseph Colquitt, Chairman of the Alabama Sentencing Commission; "Cutting Prison Growth," from Rep. Jerry Madden of the Texas State Legislature;

Attorney General Strange addressing attendees of the 2011 Law Enforcement Summit

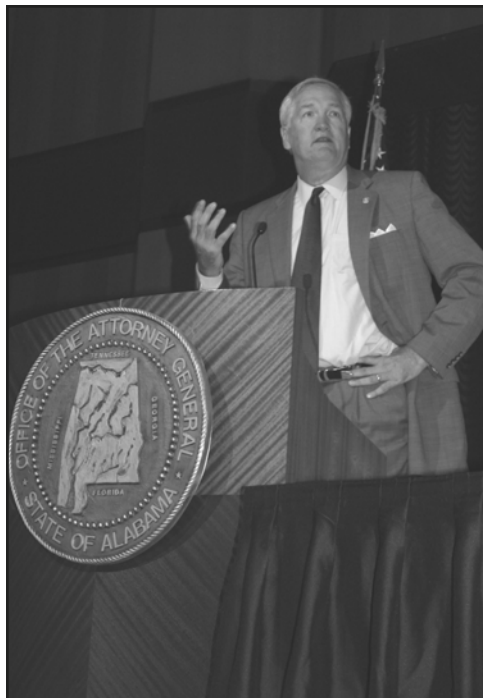


Members of the Hoover Police Department Color Guard

"Department of Corrections Update" from Commissioner Kim Thomas; "Emerging Threats to Public Safety," by Laurie Wood of the Intelligence Project; and "What's Next in the Legislature?" from Barry Matson, Deputy Director, Alabama Office of Prosecution Services. A panel discussion titled "The Revolving Door: Local Initiatives that Work" was moderated by Steve Marshall, District Attorney for the 27th Judicial Circuit, with discussion from Judge J. Michael

Joiner of the Alabama Court of Criminal Appeals; Gary Knight, Director, Houston County Community Corrections; and Captain Jimmy Milton, Director of Baldwin County Community Corrections.

In addition to the above topics related to sentencing and corrections, the conference included a presentation from Director Spencer Collier of the Alabama Department of Homeland Security about the status of Alabama's immigration law. This law designates the Department of Homeland Security as the agency to make rules for its enforcement and to coordinate with state and local law enforcement the practices and methods required for its enforcement. The role of the Attorney General's Of-



fice regarding the new immigration law is to represent State of Alabama defendants in litigation that is ongoing. Therefore, inquiries about the law's enforcement are properly directed to the Alabama Department of Homeland Security rather than to the Attorney General's Office.

Attorney General Strange introduced to law enforcement officers the leaders of a professional and experienced team he assembled in January who have been committed to investigate and prosecute public corruption and other crimes with integrity and dedication. These include Chief Investigator Tim Fuhrman, a long-time veteran of the Federal Bureau of Investigation; Chief Deputy Investigator Jesse Seroyer, whose career included many years in the Attorney General's Office previously as well as a term as U.S. Marshal in Montgomery; and Assistant Attorney

General John Gibbs, who returned to the Attorney General's Office to again head the Public Corruption and White Collar Crime Division. He commended the officers gathered at the summit for their heroic acts as first-responders to protect their fellow citizens and assist their communities when tornadoes devastated parts of Alabama last April.

The Attorney General honored law enforcement officers who gave their lives during the last year with the presentation of memorial flags for families of the following: Officer Trevor Scott Phillips (Tuscaloosa Police Department), Officer Justin Sollohub (Anniston Police Department), and Officer Donald Newman (Jemison Police Department).



Panel discussion with moderator, District Attorney Steve Marshall and panel members, Judge J. Michael Joiner, Alabama Court of Criminal Appeals; Gary Knight, Director, Houston County Community Corrections; and Captain Jimmy Milton, Director, Baldwin County Community Corrections.



Director of Homeland Security Spencer Collier provides an Immigration Law Policy Update to attendees.



Members of the Monroe County Sheriff's Department testing new camera equipment from one of the many vendors at this year's summit



Assistant Chief Mitt Tubbs of the Tuscaloosa Police Department accepts a memorial flag and certificate on behalf of the family of fallen officer Trevor Scott Phillips.



Chief Shane Fulmer of the Jemison Police Department accepts a memorial flag and certificate on behalf of the family of fallen officer Donald Newman.



George Allen of the Anniston Police Department accepts a memorial flag and certificate on behalf of the family of fallen officer Justin Sollohub.

AG's Office Welcomes New Law Enforcement Coordinator

In 2011, Attorney General Strange selected former Sylacauga Police Chief Louis Zook to serve as his office's new law enforcement coordinator. Zook is a long-time law enforcement veteran who has served nearly 17 years as police chief of Sylacauga. He began working in the Attorney General's Office on December 1, 2011.

"I am extremely pleased that Chief Zook is coming to the Attorney General's Office to serve the citizens of Alabama," said Attorney General Strange. "Louis Zook is an exemplary public servant who has risen through the ranks of law enforcement to be a strong leader of high integrity. For more than 30 years, he has devoted himself to his community and to the law enforcement profession, and we are fortunate that he will share this dedicated commitment to help this office and law enforcement officers throughout Alabama."

Zook works with law enforcement agencies across the state to develop training programs, to notify officers of changes in criminal law, to work with a law enforcement advisory committee, and to facilitate communication and cooperation between the Attorney General's Office and law enforcement officials statewide.

"I am honored by the opportunity to work with Attorney General Luther Strange as his Law Enforcement Coordinator," said Zook. "It is a privilege to continue my professional career by serving the men and women of law enforcement and the citizens of the State of Alabama through this position. I look forward to continuing the good work of those who served before me, while making Alabama an even better place for its citizens."

Zook began his law enforcement career starting as a deputy in the Talladega County Sheriff's Office in 1980, joining the Sylacauga Police Department as an officer in 1984, becoming a sergeant investigator in 1989, and serving as police chief for Sylacauga since 1995. His education includes more than 3,000 hours of advanced law enforcement training, including the FBI National

Academy, Alabama Peace Officers Standards and Training Certified Law Enforcement Executive and Southeastern Law Enforcement Executive programs. He is a past president of the Alabama Association of Police Chiefs and a past chairman of that Association's Ethics Committee. His honors include recognition as Outstanding Officer of the Year for 1980, 1986, and 1993, and as a Top Ten Citizen in Sylacauga in 1996. He currently serves as president of the Sylacauga Chamber of Commerce and is a member of the Executive Board for the United Way of Sylacauga. Zook is a native of Birmingham.

Zook replaces Danny McKinley, who retired earlier this year from state service after nearly 10 years in the Attorney General's Office.



Louis Zook, Law Enforcement Coordinator
Office of the Alabama Attorney General

Attorney General Strange Recognized as Distinguished Eagle Scout

Attorney General Luther Strange was awarded the Distinguished Eagle Award—the National Eagle Scout Association’s highest recognition-- in a December 8 ceremony, during which 57 Alabama Boy Scouts received their Eagle Scout recognition.

“I am truly honored to receive such a prominent award from an organization that upholds the highest levels of character and leadership,” said Attorney General Strange. “The dignity of the National Eagle Scout Association is inspiring to young men across our country, and the distinction of this award is a true honor that makes me proud of my experience as an Eagle Scout.”

The Distinguished Eagle Scout Award recognizes men who have reached the highest national level of success in their field more than 25 years after becoming an Eagle Scout. Past recipients include U.S. Presidents, military officers, educators and business leaders. Attorney General Strange was nominated by Alabama’s Tukabatchee Area Council of the Boy Scouts of America.

Three other Attorneys General with prominent awards from the Boy Scouts of America commented on their Alabama colleague’s honor. Washington Attorney General Rob McKenna has received the Distinguished Eagle Scout Award and he continues to serve as a board member with the Chief Seattle Council of the Boy Scouts



Attorney General Strange, along with the Eagle Scout Award recipients of 2011



Mrs. Melissa Strange looks on as Attorney General Strange accepts the Distinguished Eagle Award.

of America. South Carolina Attorney General Alan Wilson has received the Eagle Scout Award. Utah Attorney General Mark Shurtleff is Chair of the Utah Chapter of the National Eagle Scout Association and holds scouting’s Silver Beaver Award.

“I congratulate Luther on receiving this honor. He is an outstanding Attorney General who exemplifies Scouting’s highest values. I’m guessing he also is now the tallest Distinguished Eagle Scout, whose lofty stature fits well with Scouting’s lofty ideals,” said Attorney General McKenna.

“As an Eagle Scout and lifetime scouter, I know that scouting is the greatest crime prevention program in the world; and most Eagle scouts excel and contribute throughout their lives. Congratulations to General Strange on your well deserved recognition. Your example to our youth is extraordinary. To you I say what I do in every letter I send to new Utah Eagle Scouts: ‘Soar, Eagle, Soar!’” said Attorney General Shurtleff.

“The Boy Scouts of America works to instill the highest principles and values in boys on their journey to become leaders in communities across the country. This award recognizes the fact that Attorney General Strange has joined a very special group of men who continue to live by those ideals, and give back to this fantastic organization,” said Attorney General Wilson.

AG's office says goodbye to a "True Public Servant" - Richard Allen



Former Chief Deputy Attorney General,
Richard Allen

"I am deeply appreciative that Richard Allen answered the call to service in January, returning to lend his considerable skills and knowledge to guiding this office in our mission to restore integrity and to provide responsible and fair leadership," said Attorney General Strange. "He is a true public servant and I am grateful that he has been my friend and counselor." Allen first came to the Attorney General's Office in 1995 as Chief Deputy for then-Attorney General Jeff Sessions and served in that position for the next ten years.

Upon Mr. Allen's retirement in December 2011, Attorney General Strange appointed Kevin Turner to the Chief Deputy position. Mr. Turner previously held the position of Chief Counsel to the Attorney General.

In honor of Mr. Allen, Attorney General Strange created the Richard F. Allen, Chief Deputy-Award of Commendation. This award is presented for outstanding service to the Office of the Attorney General as Employee of the Year. The 2011 recipient was Karen L. Herman, Chief Accountant, Office of the Attorney General.



Pictured: Former Chief Deputy Attorney General, Richard Allen, with Attorney General Strange and key members of his staff.

Attorney General Strange Announces Awards of Excellence



In December 2011 Attorney General Strange presented the 2010 and 2011 Attorney General Awards of Excellence. The annual awards are given for exceptional performance or sustained superior performance while supporting the mission of the Attorney General. The award recipients were:

2011

- ♦ *Trial Advocacy* - Andrew D. Arrington, Violent Crimes Division
- ♦ *Appellate Advocacy* - James W. Davis, Constitutional Defense Division
- ♦ *Solicitor* - Patrick L. Roberts, Administrative Services, Public Hotline
- ♦ *Investigative Services* - Danny Billingsley, Investigations Division
- ♦ *Support Services* - Lori Farshee, Administrative Services Division
- ♦ *Richard F. Allen, Chief Deputy-Award of Commendation (Employee of the Year)* - Karen L. Herman, Administrative Services Division, Accounting

2010

- ♦ *Trial Advocacy* - Thomas R. Govan, Jr., Violent Crimes Division
- ♦ *Appellate Advocacy* - Beth J. Hughes, Capital Litigation Division
- ♦ *Solicitor* - Misty S. Fairbanks, Constitutional Defense Division
- ♦ *Investigative Services* - Tommy Calhoun, Investigations Division, Cold Case Unit
- ♦ *Support Services* - Rene Whyard, General Civil and Administrative Law Division
- ♦ *Employee of the Year* - Billington M. Garrett, Chief, General Civil and Administrative Law Division

Gulf Oil Spill Litigation Review & Update

(MDL No. 2179— Gulf of Mexico Oil Spill by the Oil Rig "Deepwater Horizon")

Review

Jan 27 - Attorney General Luther Strange Appointed Coordinating Counsel In Oil Spill Litigation

On January 27, Judge Carl Barbier of the United States District Court for the Eastern District of Louisiana appointed Alabama Attorney General Luther Strange as Coordinating Counsel for the State Interests in the Deepwater Horizon oil spill litigation. In that role, Attorney General Strange's duties include scheduling meetings, appearing at court noticed conferences, acting on behalf of the states that are a party to the Multi-District Litigation, coordinating discovery with the Plaintiff Steering Committee and Defense Steering Committee, and carrying out other duties assigned by the court.

"I am honored to serve as coordinating counsel for the states in the MDL," said Strange. "I pledge to work tirelessly with my fellow Attorneys General to ensure that the interests of Alabama and the other Gulf states affected by the oil spill are represented in the litigation. The states have claims that are distinct from those asserted by individuals and businesses, and I appreciate Judge Barbier recognizing that distinction and giving the states a seat at the table."

Feb 16 - AG Strange's Comments About Oil Spill Claims Process

Attorney General Luther Strange strongly expressed his concerns about proposed procedures and forms for compensation of losses due to the Deepwater Horizon oil spill. In a letter to Kenneth Feinberg, Administrator of the Gulf Coast Claims Facility, Attorney General Strange outlined his reasons for adamantly opposing the proposals that were put forth by Feinberg for a period of public comment.

Feb 22 - AG Strange Asks Federal Court To Impose Controls on Feinberg and Oil Spill Claims Process

On February 18, Attorney General Luther Strange spearheaded a coalition of Alabama leaders who asked U.S. District Court Judge Carl Barbier to exercise more control over the Gulf Coast Claims Facility and its supervisor, Ken Feinberg, who was tasked with compensating Alabamians damaged by the 2010 Gulf Coast oil spill. Attorney General Strange filed a brief with the Court detailing Alabama's recurring problems with the GCCF, which he supported with letters of complaints from several key leaders, including Governor Robert Bentley, Congressman Jo Bonner, and the Mayors of Bayou la Batre, Dauphin Island, Gulf Shores and Orange Beach. In his brief, Attorney General Strange called upon Judge

Barbier to impose new rules upon the GCCF and Feinberg. Attorney General Strange outlined how the GCCF has consistently denied Alabamians' valid claims by employing unpublished (and likely incorrect) standards, while failing to inform claimants exactly how to correct their rejected claims. In calling for the new rules, Attorney General Strange explained that, "We have one primary objective: ensuring that Alabamians are made whole as quickly as possible."

March 10 - Deadline For Oil Spill Claims Announced

In order to preserve the ability to recover money damages against Transocean, individuals and businesses which experienced personal injury, loss of earnings, property damage, business loss, or other economic loss from the oil spill had to file a claim with the federal court by April 20, 2011. On March 10, Governor Robert Bentley and Attorney General Luther Strange released a public service announcement regarding the deadline and claim information. The Attorney General's Office set up a website and toll-free hotline to assist individuals who were seeking more information.

July 20 - AG Strange Is Pleased GCCF To Have Independent Audit

Alabama Attorney General Luther Strange said he is pleased that the Gulf Coast Claims Facility will undergo an independent audit according to an announcement by U.S. Attorney General Eric Holder. Attorney General Strange has repeatedly and publicly criticized the lack of transparency in the claims proceedings by the GCCF, and sought more accountability from its administrator. "It is good news for the people of Alabama that someone other than BP and Kenneth Feinberg will finally be able to peer into the inner-workings of the GCCF," said Attorney General Strange. "For far too long, the GCCF has hidden behind a veil of secrecy when denying compensation to victims of the Gulf oil spill. I applaud this outcome due to the efforts of Attorney General Holder and Alabama's own local and Congressional leaders, who have refused to back down after constant rejection. The announcement today of an independent audit marks another step forward in making sure that all victims of the spill may at last be treated fairly and promptly." *Note: The audit should be completed in early 2012.*

Update from General Strange

The trial to determine liability for the April 2010 Deepwater Horizon oil spill will hopefully commence in 2012 in New Orleans. As you may know, the judge in the case appointed me coordinating counsel for the states' interests last year. I will be seated at the counsel's table when the trial begins and will make an opening statement on behalf of Alabama.

This is the biggest environmental case in the history of the United States, and certainly it will be one of the most important cases in the history of Alabama. It is incredibly complex, but our team is very confident heading into the trial. We have been preparing for over a year, and we intend to hold BP and the other defendants accountable for the devastating effects of the spill on Alabama. I should note that by my office handling all of the work in-house, we will save Alabama's citizens millions of dollars in legal fees.

The liability trial is set for three phases, which may last two to three months each. Only after liability is determined will each plaintiff offer evidence of his or her damages at separate trials with dates to be set in the future.



Pictured: Attorney General Luther Strange and key staff involved in the MDL No. 2179 Oil Spill Litigation

Update on Illegal Gambling in Alabama

Attorney General Luther Strange is committed to resolving the debate over so-called “electronic bingo” and has worked to bring the matter to a successful end in the courts. In January 2011, Governor Bentley transferred all cases filed by the now dissolved Governor’s Task Force on Illegal Gambling to the Attorney General’s Office and asked Attorney General Strange to handle the issue. During the last year, Attorney General Strange has addressed the problem in several different ways.

Shortly after taking office, Attorney General Strange announced the State’s legal position on so-called “electronic bingo” and published guidance to all sheriff’s and chiefs of police. In the memorandum, Attorney General Strange explained that only the traditional game of bingo is legal in counties that have a valid bingo amendment to the Alabama Constitution, all of the proceeds generated from bingo

must go to a bona fide charity, and slot machines may not be possessed or used to play bingo. The legal guidance was based on a strict interpretation of rulings by the Alabama Supreme Court.

In March 2011, Attorney General Strange sent letters to gaming operators that explained the State’s legal position and provided companies an opportunity to remove their gaming machines from the state. As a result, several thousand machines were removed from the state without any law enforcement action. However, a few gaming operators chose to continue and operate in defiance of the law.

Attorney General Strange then directed law enforcement to investigate and seize any illegal machines that remained in the State. Prosecutors filed legal actions in court to prove the seized machines were in fact illegal slot machines. Deputy Attorney General Sonny Reagan has been leading the litigation effort and tremendous strides have been made to settle the legal controversy. Many cases are now pending in both the trial courts and the Alabama Supreme Court.

The Attorney General’s Office has also provided investigation and litigation support to several district attorneys in a number of cases. In January 2012, Jefferson County Presiding Circuit Judge Scott Vowell issued a decisive ruling in five cases that were jointly prose-

“The court in a detailed analysis held that machines masquerading as electronic bingo are in fact illegal slot machines. Bingo operators have tried to create confusion in the law but this ruling ends the nonsense. Only the traditional game commonly known as bingo is authorized by the Jefferson County bingo amendment, and slot machines cannot be used to play bingo...the fundamental legal principles which underlie today’s ruling apply not only to Jefferson County, but in all counties subject to local bingo amendments.”

Luther Strange

In response to January 2012 ruling by Judge Scott Vowell.

“The people of Alabama have elected me to enforce the laws of this great state. I intend to enforce the rule of law as it is written and in strict accordance with the decisions of the Alabama Supreme Court.”

Luther Strange

In response to Governor Robert Bentley’s decision to move the Alabama’s Task Force on Illegal Gambling to the Attorney General’s Office

cuted by Jefferson County District Attorney Brandon Falls and the Attorney General’s Office. Judge Vowell ruled that several hundred machines seized by Sheriff Mike Hale were in fact illegal slot machines and reaffirmed the State’s legal position.

Finally, in an effort to deter large scale illegal gambling in the future, Attorney General Strange has asked the Legislature to increase the maximum penalties for several gambling offenses from Class A misdemeanors to Class C felonies.

Alabama's Immigration Law

(Act No. 2011-535)

Year in Review 2011

Alabama's Immigration Law

Act No. 2011-535

Governor Bentley signed Act No. 2011-535, the Beason-Hammon Alabama Taxpayer and Citizen Protection Act, into law on June 9, 2011. Five lawsuits challenging the law were filed in 2011, and the Attorney General has actively defended the law, as is his duty. In addition, the Attorney General is issuing generalized guidance which may be helpful to state and local entities in interpreting and enforcing the law. Detailed litigation summaries, including court documents, the guidance letters, and other helpful information concerning Act No. 2011-535, can be found on the immigration page of the Attorney General's website at <http://www.ago.alabama.gov/Page-Immigration>. What follows is an abbreviated description of the litigation in 2011.

Litigation filed in the United States District Court for the Northern District of Alabama

Three lawsuits were filed in federal court in the Northern District of Alabama in July and August 2011: *Hispanic Interest Coalition of Alabama v. Bentley*, *United States v. Alabama*, and *Parsley v. Bentley*.

The *HICA* Plaintiffs alleged that various provisions of Act No. 2011-535 are preempted by federal law, that the Act as a whole is preempted, and that certain provisions violate other federal laws, including the Constitution. The United States alleged that specified provisions of Act No. 2011-535 are preempted by federal law. The *Parsley* plaintiffs are church leaders who alleged that Sections 13 and 27 of the Act violate their federal constitutional rights with respect to religion. All of these cases presented facial challenges to the law, since they were

filed before Act No. 2011-535 ever took effect. The Attorney General represents the state defendants in these cases.

The plaintiffs moved for preliminary injunctions, and the Attorney General opposed the motions. The Honorable Sharon Lovelace Blackburn, heard arguments in open court in Birmingham on August 24, 2011. Most of the provisions of Act No. 2011-535 were set to take effect the next week.

After the hearing, and in light of the complexity of the challenges brought against Act No. 2011-535, Judge Blackburn temporarily enjoined the enforcement of the entire Act. The court's order was not a reflection of the court's views on the merits; it simply allowed the court more time to analyze the issues.

On September 28, 2011, the court ruled in all three cases. The court granted in part and denied in part the motions filed by the *HICA* Plaintiffs and the United States. The court denied the motion filed by the *Parsley* plaintiffs.

The *HICA* plaintiffs and the United States immediately appealed to the U.S. Court of Appeals for the Eleventh Circuit. Additionally, they sought injunctions pending appeal – first from the District Court and then from the Eleventh Circuit. The Attorney General opposed these motions. The Eleventh Circuit issued an order on October 14, 2011, enjoining the State from enforcing two additional provisions of the Act during the appeal, but denying the request for a broader injunction.

The Attorney General cross-appealed in the *HICA* and United States cases, and 2011 ended with the parties briefing the appeals and cross-appeals. The proceedings in all three cases were generally stayed in the District Court as 2011 drew to a close.

Litigation filed in the Montgomery County Circuit Court

Meanwhile, in late July 2011, five individuals filed suit against Governor Bentley and Attorney General Strange in Montgomery County Circuit Court. The case, which was assigned to the Honorable Johnny Hardwick, was styled *Doe v. Bentley*.

According to the complaint, two of the plaintiffs were illegal aliens, two were citizens originally from Mexico, and one was a citizen married to an illegal alien. The plaintiffs filed a motion for a preliminary injunction early on, and then withdrew it. They also amended their complaint twice, asserting a variety of federal and State law claims.

In late October 2011—in advance of a hearing scheduled for early November—the state defendants filed a motion to dismiss and a memorandum in support of that motion. On November 3, 2011, the plaintiffs moved to voluntarily dismiss their suit. The next day, the Court granted the plaintiffs' motion, dismissing the case.

Litigation filed in the United States District Court for the Middle District of Alabama

The fifth challenge to Act No. 2011-535 in 2011 was filed in federal court in the Middle District of Alabama. The lawsuit, *Central Alabama Fair Housing Center v. Magee*, was filed on November 18, 2011, and is assigned to the Honorable Myron H. Thompson.

The plaintiffs allege that Section 30 is preempted, unconstitutional, and in violation of the federal Fair Housing Act, insofar as it applies to business transactions required by Ala. Code § 40-12-255. That provision requires that persons who own, maintain, or keep manufactured homes in the state pay an annual registration fee and receive an identification decal, which is to be posted on the home.

The plaintiffs immediately asked for both a temporary restraining order and a preliminary injunction, and the Attorney General opposed the requests. The Court held a hearing on November 23, 2011, and took testimony, including from State Legislators. Later that day, the court entered a temporary restraining order. On December 12, 2011, the court granted the plaintiffs' motion for a preliminary injunction. The Attorney General appealed.

The Attorney General has also moved to dismiss the case on grounds that it is moot. Since the litigation started, the Alabama Revenue Department has determined that it is not a business transaction within the scope of Section 30 for a person to pay the annual registration fee and obtain a decal pursuant to Ala. Code § 40-12-255. The department reached this conclusion based on guidance issued by the Attorney General.

The appeal and the motion to dismiss are pending.

Attorney General Strange Invites you to Visit our New Website

In 2011 we completed a total revision our our official agency website. We hope that you will find our new site has been streamlined for easy access to office information such as:

- official opinions
- office contact information
- consumer updates and questions
- victim assistance information
- immigration law litigation information
- gun reciprocity laws
- official publications and forms

Official website of the Office of Attorney General
www.ago.alabama.gov

The screenshot shows the official website of the Alabama Attorney General's Office. The header features the State of Alabama seal, the text "STATE OF ALABAMA Office of the Attorney General", and the name "ATTORNEY GENERAL LUTHER STRANGE". A navigation bar includes links for HOME, ABOUT, CONTACT US, NEWS, DIVISIONS, CONSUMER PROTECTION, VICTIM ASSISTANCE, OFFICIAL OPINIONS, and RESOURCES. The main content area has a large banner for "Meet The Alabama Attorney General Luther Strange" with a photo of Luther Strange and a "READ MORE" link. To the right is a "CONTACT US" section with links to "File a Consumer Complaint", "Victim Assistance", "General Contact Form", and "Scheduling Office". Below that is a "FREQUENTLY ASKED QUESTIONS" section with links for "Gun Permit Questions", "Consumer Questions", "Gulf Oil Spill Litigation", "Immigration", and "more...". At the bottom right is a "STAY CONNECTED" section with links for "Facebook" and "Contact Us". The footer is divided into two columns: "IMPORTANT UPDATES" and "NEWS RELEASES". The "IMPORTANT UPDATES" column lists three items with dates: 12/07/2011 (AG Issues Guidance on Immigration Law), 07/19/2011 (A.G. Warns Against Calls Seeking Financial Data from Citizens in Etowah and Cherokee Counties), and 06/14/2011 (A.G. Cautions Consumers Against Fake Check Scams). The "NEWS RELEASES" column lists three items with dates: 12/27/2011 (AG Strange Announces \$34.25 Million Multistate Settlement With Ge Funding Over Municipal Bond Derivatives Scheme), 12/15/2011 (Alabama, Georgia Attorneys General Ask 11th Circuit To Stay Immigration Cases Pending The Supreme Court Decision In Arizona's Case), and 12/12/2011 (AG Statement on U.S. Supreme Court Decision to Take Arizona Immigration Case). Both columns have "more updates..." and "more news..." links at the bottom.

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